

**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 31, 2023 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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|--------------------|---------------------|
| Robert Slater | Chair |
| Joseph Schmitt | Vice Chair |
| Torben Christensen | Assistant Secretary |
| Joseph Badessa | Assistant Secretary |
| Frank Weinberg | Assistant Secretary |

Also present were:

| | |
|----------------|--|
| Chuck Adams | District Manager |
| Cleo Adams | District Manager |
| Tony Pires | District Counsel |
| Kevin Dowty | District Engineer |
| Joe Parisi | Developer General Manager |
| Ryan Hennessey | Fiddler’s Creek Director of Community Services |
| Mike Barrow | GulfScapes Landscape Management |
| Tammy Campbell | McDirmitt Davis |
| Bill Kurth | Premier Lakes, Inc. |
| Fred Creamer | Resident |
| Mike Cody | Resident/Mulberry HOA President |

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.

SECOND ORDER OF BUSINESS

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

Resident Fred Creamer stated he received information from Collier County regarding the requirements for installation of traffic calming devices on Cherry Oaks Trail and both association Boards unanimously approved proceeding with the program. Quotes were obtained from Hole Montes for the design, engineering and project management, at a cost of \$8,500. Trebilcock Consulting provided a quote for site design and placement of speed tables at an

estimated cost of \$12,600. A neighborhood traffic monitoring program submitted to the County Planning Commission is awaiting approval and a petition is circulating. He requested that the CDD provide 50% of the total estimated cost \$25,000.

Mr. Schmitt supported the CDD contributing to the efforts to dissuade drivers, especially delivery trucks, from using the road. He is unsure of the appropriate percentage but feels that calming devices are in the CDD's best interest. Asked if approving the project sets an unwise precedent with regard to other neighborhoods, he thinks the other neighborhoods with issues, Mahogany Bend and Mulberry, do not have as severe a problem. The Cherry Oaks problem has existed for years and he predicted it will only get worse with Phase 3 development.

Mr. Badessa feels that a specified amount would be best and opined that, while there might not be liability to the CDD, there might be liability to the HOA. He supports the CDD helping to manage some type of control.

Mr. Christensen asked if these devices are effective at slowing construction traffic.

Mr. Creamer stated the devices are designed to slow traffic to 25 miles per hour and they require trucks to downshift. The preliminary design calls for four devices, two on the north end and two on the south side of the circle. Residents on Lakewood Boulevard reported that the devices cause trucks to choose a different route.

A resident voiced his opinion that, if his neighborhood wants a similar solution in the future, the CDD will owe them the same consideration.

Resident and Mulberry HOA President Mike Cody stated several residents expressed concern about traffic. As a civil engineer, he discussed pros and cons, such as noise, gear shifting and the cost and stated he would take a traffic survey.

Discussion ensued regarding ongoing traffic issues.

Mr. Pires recommended additional public comments be welcomed. There were none.

On MOTION by Mr. Badessa and seconded by Mr. Schmitt, with Mr. Slater, Mr. Badessa, Mr. Schmitt and Mr. Weinberg in favor and Mr. Christensen dissenting, contributing \$10,000, was approved. [Motion passed 4-1]

**September 30, 2022, Prepared by
McDimit Davis**

Ms. Campbell presented the Audited Financial Report for Fiscal Year Ended September 30, 2022. There were no findings, irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2023-03,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended
September 30, 2022**

**On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor,
Resolution 2023-03, Hereby Accepting the Audited Financial Report for the
Fiscal Year Ended September 30, 2022, was adopted.**

A Board Member commended Mr. and Mrs. Adams for keeping the CDD in a strong financial position. Mr. Adams commended the Accounting team.

FIFTH ORDER OF BUSINESS

**Quality Control Lake Report - Premier
Lakes, Inc. (Alex Kurth)**

Mr. Bill Kurth presented the Quality Control Lake Report and highlighted the following:

- The lakes have not changed significantly since last month.
- Sonar® treatment was applied to all lakes with significant submerged vegetation. Additional treatments will be performed today for the two entrance lakes.
- The extensive seedling replenishment of beneficial plants was not treated aggressively to preserve as many beneficial plants as possible. Growth in the Marsh Cove and east section lakes is excessive, so more aggressive treatments are in use.
- Shoreline weeds are well controlled on the west end of the property.
- Overall, the lakes are in good condition during this very dry season.

Mr. Schmitt opined that Lakes 41C and 43, near the Par 3, which is the driest he has seen in 20 years, needs to be dredged and cleaned up. He expressed concern about the very high growth in the southeast lakes and littoral zones along lake 41 and the condition of the

lakes in the area, as the water rises. Mr. Kurth stated the lakes in that area are essentially treated as a large littoral zone. Lakes 43 and 41 will be treated today; the other lakes in that area were treated within the last week and a half. Some additional work will be performed in Lake 38, which is the large lake in Marsh Cove. Recently treated lakes are responding well; some of the tall skinny terrestrial plants will die naturally when the water rises.

Mr. Christensen asked if anything can be done to reduce torpedo grass. Mr. Kurth stated teams are working to control it as much as possible prior to the water rising but the root masses are so significant that controlling it in the presence of beneficial plants is extremely difficult. Numerous treatments were completed and he believes that it will be well-controlled before the water rises, which will bode well for the appearance of the shoreline in the future.

Mr. Slater feels that the report is the best it has been since they took over and he appreciated Alex Kurth's writeup and the information it provides. Mr. Kurth stated he will relay the comment to Alex and the team will continue to share information and attend meetings.

SIXTH ORDER OF BUSINESS

Update: Collier County Comprehensive Watershed Improvement Plan (Gary McAlpin)

Mr. Pires stated he learned Mr. McAlpin is no longer working with the County. He invited the new individual, Mr. Daniel Roman, to attend the June or July meeting; the County Manager was copied on the communication. The last word was that a consultant might be engaged by the end of May 2023 to resume the project, for which the South Florida Water Management District (SFWMD) permits were withdrawn several years ago.

SEVENTH ORDER OF BUSINESS

Health, Safety and Environment Report

A. Irrigation and Pressure Cleaning Efforts

Mr. Hennessey reviewed the Monthly PowerPoint presentation, which included reminders to report questions, comments or concerns to Irrigation@Fiddlerscreek.com or Pressurewashing@Fiddlerscreek.com or directly to the Safety Department.

B. Security and Safety Update

Mr. Hennessey reviewed the monthly PowerPoint presentation, which included reminders to first call 911 in an emergency, followed by reporting the incident or other non-emergency needs to the Community Patrol. He encouraged residents to register guests via the member's website, mobile app, calling the Automated Gatehouse or emailing Safety@Fiddlerscreek.com. Parking issues decreased in April; Repeat offenders are referred to the Fining Committee, which sends letters and makes final determinations.

Discussion ensued regarding stop sign violations.

Mr. Hennessey stated patrols can deter violators and the Sheriff can be asked to be present to write tickets.

Mr. Schmitt asked if the monument on Championship Drive will be pressure washed. Mrs. Adams stated she is obtaining quotes for grouting, pressure cleaning and painting but she wants to wait until the end of rainy season.

Mr. Schmitt stated there is an open valve irrigation box at the south end of Mulberry on the east side of the road approximately 100' from the stop sign. Mr. Hennessey stated that work is being done in the area; he will ensure it is finished.

Mr. Christensen asked who is responsible for the flag at the main entrance. Mrs. Adams stated The Foundation owns the flag. Mr. Christensen thinks the condition of the flag needs to be addressed. Mr. Hennessey stated it will be fixed.

EIGHTH ORDER OF BUSINESS**Developer's Report**

Mr. Parisi reported the following:

- Oyster Harbor, Dorado and the Golf Clubhouse are under construction and on schedule.
- The lake at the bottom of Hidden Cove will be called Lake 70 and will eventually run from the golf clubhouse all the way to the end. There will be a land bridge at the end to maintain the County canal behind Cranberry Crossing.
- The Championship Drive gatehouse work and the Dog Park went out to bid; once details are finalized, he will communicate lane closures for the gatehouse. An e-blast regarding closures will be sent by both the CDD and The Foundation.
- Construction Compound: There have been permitting issues and delays. Landscaping will not be completed until the end of June. Temporary fencing will be removed when possible.

➤ Irrigation: Mr. Jonathan Walsh, who previously worked with Collier County and is now with Gulf Bay, will be working on the project with Mr. Cole.

Discussion ensued regarding the irrigation systems.

A Board Member noted that the single-family homeowners are all independent. Mr. Parisi stated Baseline can work with existing systems. He will provide a map of the lake boundary changes for discussion of the CDD and the Golf Club's responsibilities.

NINTH ORDER OF BUSINESS

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

• **Consideration of Proposal for Mulberry Lane Road and Valley Gutter Repair Due to Tree Roots**

Mr. Dowty presented the Collier Paving proposal for valley gutter and road repairs due to tree roots; while it is the Board's decision, the District Engineer's opinion is that the \$18,755.40 expense is the homeowner's responsibility. Mr. Schmitt noted the CDD passed an ordinance but this area was identified several years ago and previously discussed. Mr. Badessa noted that several homeowners expect and understand that the repairs are their responsibility.

Mr. Slater motioned to drop the issue and let the HOA handle the matter.

Mr. Schmitt disagreed and expressed his opinion that the area should have been fixed when curbing was repaired a year ago, as it was the most significant area with damage noted on the street. He asked if the HOA manager accepted culpability and opined that, while notices were sent, this area was identified before notices were sent.

Mr. Cody stated he did receive a notice and he will need to review it; however, his understanding was that it depended upon whether the tree was on the property owner's property or in the common area. He was led to believe that trees in common areas will be treated one last time before they are turned over to homeowners. Mr. Slater believed that all those trees are on homeowners' property.

Mr. Schmitt stated the tract includes landscape buffer and landscape and utility easements. The HOA rules clearly state that the homeowner is responsible for maintaining vegetation all the way to the curb. All homeowners have access to the documents. The issue is predominantly on the east side of the street on the tract between the sidewalk and the curb.

He does not think those homeowners had a clear understanding of who is responsible. It is clear in the documents and he asked Mr. Pires if that is legally the homeowner's lot.

Mr. Pires stated he must check the plat and noted that, as mentioned, the HOA documents reflect an obligation to maintain to the back of the curb.

The Board's previous decisions, desire to cease consideration of this, need to prevent further damage to the roadway, homeowner liability in the event of damage to roadways and the CDD's ability to address the issue and bill the homeowners, were discussed.

Mr. Slater asked where the notice to Mulberry homeowners originated. Mr. Cody believed the notice was sent by Mr. Phil Wheat, who attended a Foundation meeting and issued an informal notice as a Mulberry HOA Board Member.

Mr. Slater noted that his previous motion died for lack of a second.

A Board Member asked Mr. Adams to research what the Board decided in the past.

This item was tabled to the next meeting.

Mr. Dowty reported the following:

- General sidewalk repairs are nearly complete.
- Lake bank erosion and geotube repairs at Mallards Landing are nearly complete.
- Proposals were requested for sidewalk grinding and paver depressions on Mulberry.

Mr. Slater asked about the Bent Creek lake bank erosion repairs. Mr. Dowty stated he needs to research the matter. Mr. Schmitt asked about the failed, spalling catch basin repair that seemed like a material failure, where broken portions are the roadway and a cone is present. Mrs. Adams stated that is one of Collier Paving's projects. Mr. Schmitt asked if it is under warranty. Mr. Dowty is unsure of the cause and if it is under warranty; he will research it. Mr. Schmitt asked about "excavate" pavement markings at the end of Runaway Bay and Fiddler's Creek Parkway, on both sides of the roadway.

Discussion ensued regarding ongoing fiberoptic cable work, who is responsible for the markings and the need for all contractors to obtain approval before working in the CDD.

Mrs. Adams stated Security recently reported an irrigation line that was broken by Comcast. She emailed The Foundation and Mr. Cole, as contractors are supposed to contact Mr. Cole before performing any work. Mr. Pires suggested compiling photos and information, as boring companies routinely deny damage so the sooner a demand letter is sent, the better.

Mr. Christensen noted the extensive engineering surveying in the area in preparation for the driving range. Mr. Parisi stated he will look into it. Mr. Schmitt stated Hole Montes was doing survey work at that corner.

Discussion ensued regarding the May 18, 2023 email regarding directional boring that broke the main line in Whisper Trace.

Mr. Slater asked Mr. Dowty to find out who authorized the work, why Staff was not informed and what work is planned.

A resident thanked Mr. Schmitt and Mrs. Adams for addressing Mulberry's needs. He noted that the parcel adjacent to Ms. Dorothy Hirsch's property that was discussed in the past has not been addressed.

Mrs. Adams stated there is a strip of HOA property between Mrs. Hirsch's house and the CDD's property. Mr. Barrow stated the crew will be working in the area today.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2023-04, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. Adams presented Resolution 2023-04. Staff will adjust the proposed Fiscal Year 2024 budget for discussion at the next meeting. He requested direction regarding use of surplus fund balance specifically assigned to the traffic signal project, which has grown as of the last communication with Mr. Cole to between \$1.3 million and \$1.4 million. The Board previously identified \$352,000 to be assigned to the traffic signal. It was noted that, as the expenditure is not an expense item, it will not affect assessments.

Mr. Slater recommended assigning \$700,000 for the expenditure, as 50% of the high end of the range will be a conservative estimate at this time. The Board Members concurred.

Mr. Adams stated the line item amounts shown in the proposed Fiscal Year 2024 budget will be updated in advance of the next meeting to reflect updated contracts and estimates and recommendations from the District Engineer.

Discussion ensued regarding landscaping line items.

Mr. Adams stated Mr. Cole indicated that no paving projects are planned in Fiscal Year 2024 and that he recommended keeping \$60,000 budgeted for lake bank erosion.

Mr. Christensen suggested the lakes in Runaway and Marsh Cove be inspected while water levels are low to prioritize lake bank erosion. Mr. Adams stated lake bank erosion will be an ongoing expense; now that the seven-year project is complete, ongoing projects will be completed on an as-needed basis. Mr. Christensen believes Marsh Cove and the remainder of Runaway were never surveyed. Mr. Adams stated those areas will be surveyed and evaluated.

On MOTION by Mr. Schmitt and seconded by Mr. Slater, with all in favor, Resolution 2023-04, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 23, 2023 at 8:00 a.m., at the 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.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date

Mr. Slater presented Resolution 2023-05.

On MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, Resolution 2023-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date, was adopted.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2023

Mr. Adams presented the Unaudited Financial Statements as of April 30, 2023.

The financials were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of April 26, 2023 Regular Meeting Minutes

Mr. Slater presented the April 26, 2023 Regular Meeting Minutes. The following changes was made:

Line 64: Change "Runaway Bay Resident Tony Marek" to "Mr. Christensen"

Line 27 and where needed: Change "Merik" to "Marek"

Line 135: Change "Army Corps of Engineers" to "Water Management District"

On MOTION by Mr. Slater and seconded by Mr. Weinberg, with all in favor, the April 26, 2023 Regular Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Item 1: Mr. Pires will email the package to send to Mr. Parisi this week.

Item 2: Change "Peppertree" to "Bent Creek"

Items 2, 3 and 4 were completed.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

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

- **Update: South Florida Army Corps of Engineers Program**

Mr. Pires will provide an update about a June or July presentation when available.

A Board Member asked if feedback was received regarding a newspaper article that stated some neighbors are attempting to purchase land so that two lakes can become one and if the CDD should become involved.

Discussion ensued regarding the history of the land related to a Marco Utility drain field and an attempt by neighbors to purchase the property, which lies outside of the Fiddler's Creek PUD boundary.

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

- **1,592 Registered Voters in District as of April 15, 2023**
- **NEXT MEETING DATE: June 28, 2023 at 8:00 A.M.**

○ **QUORUM CHECK**

All Supervisors confirmed in person attendance at the June 28, 2023 meeting.

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

Mrs. Adams distributed and presented the Monthly Field Operations Report. She reported the following:

➤ Lakes 38A and 38B: Photos of these areas below the high-water mark were sent to Mr. Cole, as the work required is far beyond typical lake maintenance.

Discussion ensued regarding the Marsh Cove Bridge.

Mr. Schmitt recommended waiting until the golf course removes existing bridges in the hopes that bricks can be utilized for eventual repairs.

Mr. Schmitt reported a dead tree across from the Club, in a cluster of three trees. Mrs. Adams will determine if it needs to be removed.

SIXTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Schmitt recalled that, when the two CDDs were formed, Florida Statute 190 clearly limited the size of special districts but it was changed five years ago. He suggested exploring the possibility of merging the CDDs into one, including the costs and the payback period. While both Boards would need to agree, he thinks that, given the ongoing battle over funding the traffic light, it should be considered. Mr. Adams stated residents would not vote on a merger; it would be a decision for both Boards to make. He will present information compiled when two other CDDs merged. Mr. Schmitt asked Mr. Pires to work with Mr. Adams in this regard.

SEVENTEENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 9:28 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair