

**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 26, 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:

Robert Slater	Chair
Joseph Schmitt	Vice Chair
Torben Christensen	Assistant Secretary
Joseph Badessa (via telephone)	Assistant Secretary
Frank Weinberg	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Aaron Haak	Developer’s Deputy General Counsel
Ryan Hennessey	Fiddler’s Creek Director of Community Services
Alex Kurth	Premier Lakes, Inc.
Herbert and Sherrill Hoover	Residents

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

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

Supervisors Slater, Schmitt, Christensen and Weinberg were present. Supervisor Badessa attended via telephone.

On MOTION by Mr. Slater and seconded by Ms. Weinberg, with all in favor, authorizing Mr. Badessa’s attendance and full participation, via telephone, due to exceptional circumstances, was approved.

SECOND ORDER OF BUSINESS

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

Resident Herbert Hoover complained about trees on CDD property on Fiddler's Creek Parkway abutting his home and discussed his numerous calls in an attempt to have the issue addressed. Mr. Hennessey stated a representative from Juniper advised that they will address the issue this week; special equipment is needed due to the angle.

Discussion ensued regarding the location of the trees and ongoing issues with Juniper failing to prune the growth on the inside away from the Parkway.

Mr. Hennessey stated he brought the issue to Juniper's attention and they stated it will be rectified.

THIRD ORDER OF BUSINESS

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

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

- All Sonar® treatments were applied and the initial results appear successful. Algae blooms increased slightly due to decaying submersed vegetation; it will be treated accordingly.
- Selective shoreline weed control is being performed on littoral shelves.
- A significant amount of beneficial littoral plants are coming back, including bulrush and spikerush; it no longer seems that replanting will be necessary.
- The drought has been severe. It is the worst he has seen in ten years but he hopes the littoral shelves will be thick and in good shape by the end of this year.

Mrs. Adams observed that the lakes have improved much since the previous contractor.

Mr. Weinberg asked if street names can be added to the maps.

Mrs. Adams suggested that Premier utilize the G.I.S. mapping system.

Mr. Weinberg asked if The Rookery can be encouraged to address the condition of its lake. Mrs. Adams stated she will speak with The Rookery about it. Mr. Haak asked Mrs. Adams to follow up with himself and Mr. Parisi for further assistance in this regard.

Discussion ensued regarding herbicides used for torpedo grass.

FOURTH ORDER OF BUSINESS

Update: Collier County Comprehensive Watershed Improvement Plan (Daniel Roman)

This item was not addressed.

FIFTH ORDER OF BUSINESS

Health, Safety and Environment Reports

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. He reported the following:

- Tree Canopy Trimming: Juniper has been trimming palm trees throughout the community and ficus trees in Museo during the months of June and July.
- Hardwoods at The Club and Spa and the Marsh Pointe gazebo and tree stumps on Fiddler's Creek Parkway were addressed. Work was done by the entrance and the sales building on Fiddler's Creek Parkway.
- A flag company professionally repaired the flag at the entrance on 951.
- Rainfall has been far below normal, with 4¾" in June, far short of the average rainfall of 9" from June through September. There were only two rain holds in the Villages and three in the common areas.
- A discrepancy in the total water usage exists because all the satellite locations do not register with the central computer, so about a third of the total water usage is not reflected.
- No major irrigation repairs were needed in June.
- Pressure Washing: Cherry Oaks and Aviamar are completed; Oyster Harbor is underway.
- The marquee sign outside Cardinal Cove was pressure washed last week.

Mr. Schmitt inquired about developing the satellite system. Mr. Hennessey stated work is ongoing; he does not have specific data to share. Mr. Adams stated the CDD set aside some funds for the satellite system.

Mr. Haak stated meetings were held with the vendor, Baseline; a construction manager will be sought to oversee the entire project and Mr. Cole will provide input.

Mr. Hennessey stated the irrigation system has no major issues; Mr. Benet monitors the system daily.

Mr. Slater recalled that all HOAs were taxed and contributed to the irrigation system upgrade in the past. Mr. Schmitt stated Mahogany Bend, Mulberry and Isla del Sol were not assessed for it.

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 matters to the Community Patrol. Residents can register guests via the member's website, mobile app, calling the Automated Gatehouse or emailing Safety@Fiddlerscreek.com.

Mr. Hennessey reported the following:

- Occupancy Report: There was a 40% drop in occupancy between May and June and a 58% drop between February and June.
- Staff is directing trucks going to Marsh Cove, Cherry Oaks and the golf course to use the construction roads rather than private roads.
- Gatehouses and Patrols: The Championship gatehouse will close on August 3, 2023 and remain closed until October. An email will be sent to inform residents and signs will be posted on August 1, 2023 to redirect traffic.
- A larceny occurred in Runaway Bay one week ago. Over \$100,000 in jewelry was taken. It was an "inside job" by individuals with access to the residence, it was not a break-in. The Sheriff's Office is investigating.
- Two older model white vans with drivers identifying themselves as tree service crews and displaying guest passes were observed taking coconuts from various properties. Both companies were advised about the incident and all four individuals were given trespass notices so they can be arrested if they try to enter the community again.

Mr. Schmitt asked for a reminder to be sent to inform the residents of the Mahogany Bend, Mulberry and Isla del Sol Associations of the permissible watering days and regulations. He wants the patrols to inform residents, as a courtesy, if they notice any violations.

SIXTH ORDER OF BUSINESS

Developer's Report

Mr. Haak reported the following:

- Championship Gatehouse: The gatehouse will close Thursday, August 3, 2023 and no access in or out through that gate will be permitted until completion. It is anticipated that all ingress and egress will come through the Sandpiper and Collier Boulevard/951 entrances through October 2023.
- The notice was or will be emailed today to all residents and the local Police, Fire and Emergency Services Departments.
- Signs will be placed throughout the community to advise residents and guests about the closure and prevent unnecessary turnarounds. Signs will also be placed outside the gates.

Asked if a sign will be placed on the right-of-way (ROW), Mr. Haak stated they are working on it but it requires County approval.

Mr. Schmitt expressed concern about The Rookery members entering, the need for a turnaround area, trucks running over signs and landscaping at the island.

Mr. Slater stated GPS maps still direct traffic entering the community to use that road. Mr. Pires stated the issue is specific to Google Maps; the Apple mapping system generally directs traffic to the correct spot. Previous attempts to have Google rectify the issue were unsuccessful.

- The Rookery was notified so they can advise their members.

Mr. Pires thanked Mr. Slater for working with Mr. Parisi on the Notices of Commencement (NOC) for the Championship gatehouse.

SEVENTH ORDER OF BUSINESS

Engineer's Report: Hole Montes, a Bowman Company

Mr. Cole reported the following:

- Regarding a question about metal boxes, Mr. Benet advised that irrigation system filters were recently installed due to snails.
- Mr. Benet stated that landscaping will be installed around the automatic, self-flushing filters; installations are ongoing.
- Mr. Cole will obtain a proposal for a wood guard rail opposite Whisper Trace, although he does not believe the guard rail is required. It will be researched further and a proposal will be obtained to determine the costs.

Mr. Cole distributed a photograph of a property on Mulberry Lane and he stated the homeowner will remove the tree on the right. An area has risen because of the tree and a 5' by 30' area of valley gutter requires replacement. A proposal was requested from Collier Paving.

Mr. Schmitt recalled that, as he commented last month or the month before, that area was repaired approximately 12 to 18 months ago. He previously sent pictures of the area in question to Mrs. Adams. He opined that the CDD never should have accepted or paid for that. He encouraged Board Members to view the area. He stated he does not believe the roots were cut when the first repair was made and stated he believes that area caused the most damage in Mulberry.

Mr. Schmitt expressed his opinion that the pavers are the homeowner's responsibility and this area should have been corrected the first time. While he believes Collier Paving does a good job, he thinks this should be taken into some consideration regarding the cost, as, in his mind, it was not done correctly the first time. Mr. Cole stated he does not recall what the paving looked like and noted that, when the valley gutter was repaired, the 5' width had a dip in the paving of 1" or more. Mr. Cole will obtain the proposal.

Mr. Cole stated he is obtaining a proposal to repair the PVC fence along Mulberry, Mahogany Bend, Bent Tree and Whisper Trace. Collier Concrete Products does not do that type of work. He is trying to obtain a proposal from the original fence contractor, C&C Fence (C&C) in Lakeland. In at least a dozen places, the fence has shifted down or popped out of the column; the inspector is obtaining a proposal. Mrs. Adams observed that it might not be necessary to engage a fence contractor if only minor repairs are needed.

Mr. Schmitt discussed significant irrigation-related staining on the fence on Mulberry.

Discussion ensued regarding needing a handyman.

Mr. Cole recalled that a contractor repaired the planter box at Aviamar. Mrs. Adams will provide the information to Mr. Cole.

- Timo Brothers will repair the settled pavers on the south end of Mulberry on Friday.
- Collier Paving will perform the sidewalk and curb repairs approved last month.
- The irrigation pumphouse replacement is scheduled for the end of September.
- The Florida Department of Transportation (FDOT) issued more comments about the traffic signal. He and Trebilcock had a good call with the FDOT to address the minutiae. The good news is that Trebilcock will resubmit the plan this week addressing the newest comments and the FDOT promised to issue a Notice of Intent to issue the permit within two to three weeks. The permit will not be issued until the contractor enters into a Construction and Maintenance Agreement with the FDOT, with a bond, which the CDD must coordinate. He recommended authorizing awarding the work to American Infrastructure Services based on the present bid price of \$1.42 million once the Notice of Intent letter is received from the FDOT. In the original bid, the design required fiber optic lines to be laid to the Manatee signal but it appears that the FDOT will allow radio transmissions, which might save \$100,000.

➤ All lake bank repairs are complete; the sod is installed and the sacrificial bag was cut, except for 7A on the west side of the lake, which will be done in the coming month.

- **Continued Discussion/Consideration of Proposal for Mulberry Lane Road and Valley Gutter Repairs Due to Tree Roots**

The consensus was that this proposal will not be approved at this time.

Mr. Cole will obtain a proposal for 7666 Mulberry Lane for consideration at the next meeting. There is a 5' width at the valley gutter that dips 1". Mr. Schmitt suggested the intersection of Mulberry Row and Mulberry Lane be assessed, given the surface binder is gone and aggregate is exposed, to determine if it is worth the cost to repair.

EIGHTH ORDER OF BUSINESS

Consideration of First Amendment to the District Management Services Agreement for Lien Roll Services

Mr. Adams stated Ms. Alice Carlson, of AJC Associates, who currently prepares the lien roll for the CDD, is retiring. He discussed the scope of work and stated WHA proposes to seamlessly assume performing the same services. Mr. Adams stated WHA’s Treasury Services Department has a staff of about 12 who prepare Assessment Methodologies, Lien Rolls, Estoppel letters and related services.

Mr. Adams presented the First Amendment to the District Management Services Agreement for Lien Roll Services. Mr. Pires will revise the original contract, as necessary.

On MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, the First Amendment to the District Management Services Agreement for Lien Roll Services, was approved.

NINTH ORDER OF BUSINESS

Consideration of Synovus Bank, Investment Outline for Excess Operating Funds and Sample Resolution

Mr. Adams presented the Synovus Bank Agreement for opening a SCM Money Market for the CDD. Accounts will be fully collateralized, as required by Florida Statute Chapter 280. Synovus has a department dedicated to lending to governmental entities. Interest will be posted monthly and compounded. Any CDD that keeps a balance over \$500,000 can get an interest rate that is indexed against the Federal Funds rate, minus 75 basis points, for a 4.5% interest rate as of July 7, 2023. Accounts between \$200,000 and \$500,000 can get an interest rate that is indexed against the Federal Funds rate, minus 100 basis points, for a 4.25% rate. Accounts below \$200,000 can get an interest rate that is indexed against the Federal Funds rate, minus 100 basis points, for a 3.5% rate. Accounts will be reviewed on the first business day of each month to set the interest rate for that month. Interest will be compounded daily and fully liquid.

Mr. Pires noted that Synovus Bank is an active Qualified Public Depository.

On MOTION by Mr. Weinberg and seconded by Mr. Christensen, with all in favor, the Synovus Bank Investment Outline for Excess Operating Funds and Sample Resolution, were approved.

TENTH ORDER OF BUSINESS

Consideration of Design Review Committee Request for Alterations, Repairs and Reconstruction [3741 Mahogany Bend Drive]

On MOTION by Mr. Weinberg and seconded by Mr. Schmitt, with all in favor, the Design Review Committee Request for Alterations, Repairs and Reconstruction at 3741 Mahogany Bend Drive, was approved.

Mr. Schmitt asked if the communities' requirements for knee walls, sound walls, etc., will be validated as appropriate. Mr. Haak replied affirmatively.

ELEVENTH ORDER OF BUSINESS

Discussion: Maintenance of Traffic Plan

This item was not addressed.

TWELFTH ORDER OF BUSINESS

Continued Discussion: Fiscal Year 2024 Budget

Mr. Adams stated he will increase the interest in the revenue section based on the decision to incorporate the Synovus Bank account.

Discussion ensued regarding budgeting for insurance increases.

Mr. Adams stated \$60,000 is currently budgeted and, when an updated insurance schedule is received from the insurance carrier, the amounts budgeted for street lighting and fountains will be adjusted.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2023

The financials were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of June 28, 2023 Regular Meeting Minutes

On MOTION by Mr. Weinberg and seconded by Mr. Schmitt, with all in favor, the June 28, 2023 Regular Meeting Minutes, as presented, were approved.

FIFTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

This item was presented following the Eighteenth Order of Business.

SIXTEENTH ORDER OF BUSINESS

Staff Reports

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

- **South Florida Water Management District Engineers of Program**

Mr. Pires reported the following:

- He will work with Mr. Adams and Mr. Parisi to determine who is the CDD's new Bond Counsel with regard to the Boundary Amendment.

- He emailed the County again to reschedule the presentation; a response is pending.

Mr. Schmitt stated he is on the Coastal Restudy Board; he will request an update.

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

- **NEXT MEETING DATE: August 23, 2023 at 8:00 AM [Fiscal Year 2024 Budget Adoption Hearing]**

- **QUORUM CHECK**

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

Mrs. Adams distributed the Monthly Field Operations Report.

Mr. Christensen opined that the Marsh Cove Bridge is a blight on the community. Mr. Schmitt recalled previous discussions about the need to obtain bricks from other bridge renovations. Mrs. Adams will request a proposal for removal of all decorative rocks and painting.

SEVENTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

EIGHTEENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

Action/Agenda or Completed Items

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

Items 2, 3, 4, 6, 7, and 10 were completed.

Item 6: Mr. Schmitt proposed sending a formal letter to CDD #2 asking CDD #2 to entertain CDD #1's proposal to combine both CDDs.

Item 10: Mr. Cole stated he will obtain a proposal for guardrail repairs and for removal. He does not believe this work is required, based on the FDOT requirements, and noted that an insubstantial change would be much cheaper than replacing it.

Item 11: Change "Mr. Adams" to "Alice J. Carlson"

Item 12: Scheduled for next week.

NINETEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Weinberg and seconded by Mr. Schmitt, with all in favor, the meeting adjourned at 9:12 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair