

**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 26, 2020 at 8:00 a.m., in-person at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114 and at <https://us02web.zoom.us/j/84559292745>, and 1-929-205-6099, Meeting ID **845 5929 2745**.

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 District Manager
Tammie Smith	Operations Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Joe Parisi	Developer Representative
Shane Willis	Director of Safety, Health and Environment
Ron Albeit	Foundation General Manager
Jim Dougherty	SOLitude Lake Management
Christina Kennedy	SOLitude Lake Management
Allen Kassman	Resident
Al Noto	Montreux at Fiddlers Creek Condo Assoc.
Lieutenant Jake Walker	Collier County Sheriff’s Office

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Brougham called the meeting to order at 8:01 a.m. In consideration of the COVID-19 pandemic, this meeting was being held in-person, via Zoom and telephonically, as permitted under the Florida Governor’s Executive Orders, which allow local governmental public meetings to occur by means of communications media technology, including virtually and telephonically.

All Supervisors were present.

SECOND ORDER OF BUSINESS

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

No members of the public spoke.

THIRD ORDER OF BUSINESS

Waterway Inspection Report - August, 2020: SOLitude Lake Management

Ms. Kennedy presented the Waterway Inspection Report for Group C, the southwest portion of the District, which included the golf course. She responded to questions. Many sites were receiving extensive weekly maintenance and much improvement was noted since May. Algae was greatly reduced; moderate algae in Lake 42, along the golf course, would be treated on the next maintenance visit.

FOURTH ORDER OF BUSINESS

Developer's Report

Mr. Parisi reported the following:

- The Fiddler's Creek 951 Gatehouse renovation was underway.
- Construction of the new gatehouse at Sandpiper was underway.
- The Fiddler's Creek 951 Gatehouse project would take approximately three months; the gate would remain open, throughout. Cones would be utilized to close lanes and redirect traffic and safety fencing would be installed. Information would be posted on the website.
- The other side of Sandpiper Drive would be closed due to roadway construction so that the entrance to Publix would be outside the gate and the gatehouse could be moved to accommodate a construction entrance for access to Oyster Harbor. The project would take approximately five months.
- While those two gates are under construction, the Championship Drive gate would be open 24/7 and guard staff would be increased.
- The Sandpiper Drive entrance would be closed for approximately five months. An alternate construction entrance would be modified, manned with guards and "construction access only" signage would be posted.

Discussion ensued regarding the project, hours and routes for construction traffic, regular traffic routes, vendor access, etc. Mr. Parisi stated that information would be posted on the website; the construction entrance at Sandpiper Drive would allow some limited access for emergency vehicles but the Sandpiper gate must be closed due to the road work.

- An e-blast would be sent to advise property owners.

Discussion ensued regarding the proposed relocation of the Aviamar construction entry.

FIFTH ORDER OF BUSINESS

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

Mr. Cole reported the following:

- A contract for the Phase 7 lake bank erosion repairs was prepared for signature.
- Emergency sidewalk repairs were in progress.

Mr. Brougham stated the emergency sidewalk repairs would be discussed in conjunction with the upcoming Rule Change Public Hearing. Mr. Pires stated he would forward the newspaper notice to Staff, for publication, and to The Foundation to post to their website. Mr. Brougham stated the Association should be notified of the policy and the rule in the future. Discussion ensued regarding the repairs, whether the CDD should have made the repairs, implementing the ordinance and scheduling the Public Hearing.

- **Discussion: Bid for Repaving Club Center Way**

Mr. Cole stated that Mr. Pires was preparing a document regarding repaving Fiddler’s Creek Parkway to correct the discoloration. Mr. Pires stated that the document was approved by the Chair and forwarded to Collier Paving. The consensus was that, once Fiddler Creek Parkway is repaved, the work on Club Center Drive would begin so that the work could be completed at the same time. Mr. Brougham stated that during milling and repaving of Fiddler’s Creek Parkway last year, different aggregate was used on some sections, which resulted in two different colors. The contractor agreed to re-mill and repave the entire stretch from 951 to Championship Drive at no cost to the District.

- **Discussion: Closure of Sandpiper Drive and Relocation of the Temporary Construction Access Road**

This item was discussed in conjunction with the Fourth Order of Business.

SIXTH ORDER OF BUSINESS

Consideration of Southern Striping Sidewalk and Curb Repairs and Restriping Proposals

Mr. Cole presented the proposal from Southern Striping for the remaining concrete repairs and restriping and discussed previous quotes and the subsequent separate bid for emergency sidewalk repairs. Discussion ensued regarding the warranty for thermoplastic striping and the areas to be painted versus the areas to receive thermoplastic striping. Mr. Cole

stated he would confirm the warranty information with the Contractor. Mr. Pires stated additional Warranty language would be added to the agreement.

On MOTION by Mr. Slater and seconded by Mr. Brougham, with all in favor, the Southern Striping Sidewalk and Curb Repairs and Restriping Proposals, in the amounts of \$68,576.08 and 42,320.05, subject to the addition of warranty language to the Agreement, was approved.

SEVENTH ORDER OF BUSINESS

Discussion: Request for County Assistance for 7-Eleven Contribution for the Traffic Signal

Mr. Pires distributed a handout depicting a tract of land on Greenway Road, across from Sandpiper, for which rezoning to build a 7-Eleven at that location was requested and stated that a Planning Commission meeting was scheduled for September 17, 2020. At the last CDD #2 meeting, it was suggested that the District send a letter to Collier County requesting that the Developer contribute a proportionate fair share amount to the cost of signalization at that intersection, as a condition of the rezoning and plan amendment.

On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, authorizing Staff to send a letter and authorizing District Counsel to attend the Planning Commission meeting, on the District’s behalf, was approved.

EIGHTH ORDER OF BUSINESS

Continued Discussion/Update: Hurricane Irma Recovery

Mr. Adams stated that another inquiry was sent but there was nothing new regarding the Federal Emergency Management Agency (FEMA) claim. Discussion ensued regarding the long delays and the possibility of contacting members of Congress and Senators. Mr. Pires suggested Mr. Adams work with the Consultant to forward the FEMA claim to Senators Scott and Rubio and draft a communication for the Chair’s signature. Mr. Adams stated he would send copies of correspondence to Congressmen, Senators and Representatives.

NINTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2020/2021 Budget

A. Proof/Affidavit of Publication

The proof of publication was included for informational purposes.

B. Consideration of Resolution 2020-09, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2020, and Ending September 30, 2021; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Brougham presented Resolution 2020-09.

Mr. Adams stated the proposed Fiscal Year 2021 budget had not changed since presented at the last meeting. The Debt Service Fund stayed the same and the General Fund saw reductions. Budgetary reductions in landscaping and access control, combined with the removal of an increase to Fund Balance, effectively reduced the assessment by approximately \$198 per unit, as compared to Fiscal Year 2020.

Mr. Christensen wanted more updated "Actuals" than through 3/31/20. Discussion ensued regarding the budget, the budgeting process, variable one-time expenses and monthly costs. For future proposed budget discussions, Mr. Adams stated updated "Actuals" through July would be provided; actuals are usually not updated monthly.

Mr. Brougham opened the Public Hearing.

No members of the public spoke.

Mr. Adams stated no comments were received via email, fax or telephone.

Mr. Brougham closed the Public Hearing.

On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, Resolution 2020-09, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2020, and Ending September 30, 2021; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2020-10, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2020/2021; 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 2020-10.

Mr. Brougham opened the Public Hearing.

No members of the public spoke.

Mr. Brougham closed the Public Hearing.

Mr. Adams stated no comments were received via email, fax or telephone.

On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, 2020-10, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2020/2021; 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.

ELEVENTH ORDER OF BUSINESS

Continued Discussion: Montreux Tract D & Landscape Buffer Easements

Mr. Brougham stated, while investigating a resident's concern about Montreux Tract D landscaping, it was discovered that Montreux's contractor was maintaining the landscape buffer on CDD-owned land, including grass, shrubbery and trees. Discussion ensued regarding the area, whether to license Montreux to perform landscaping or for the District to assume the landscaping responsibility, other areas where HOAs perform some maintenance.

Mr. Slater motioned for the CDD to take over maintaining of the area. Mr. Christensen suggested consulting with a representative of Montreux.

Mr. Al Noto, a resident and representative of the Montreux at Fiddler's Creek Condo Association, stated that the Montreux landscaper maintained that area for 15 years. He was concerned about how to distinguish the boundaries of the area. Discussion ensued regarding the size and ownership of the area, easements, liability, licensing the Condo Association to maintain the property and access for lake maintenance. Mr. Brougham asked Mr. Noto if the HOA was willing to continue maintaining the area. Mr. Noto asked if the District would pay for maintenance. Mr. Brougham replied, "No." Discussion ensued regarding the possibility of paying the Condo Association for maintenance. Mr. Pires stated the District could not convey the land to Montreux but the land could be leased or an easement granted.

Mr. Slater withdrew his previous motion.

FIDDLER’S CREEK CDD #1

August 26, 2020

Discussion ensued regarding various options, including legal agreements and suggestions for the District to take over maintenance of the area.

Mr. Noto expressed support for the District taking over maintenance. Discussion ensued regarding scheduling. Mrs. Adams stated maintenance could be added to the existing LandCare contract. Mr. Brougham stated Staff would monitor LandCare’s performance to the same standards of other CDD property. Mr. Noto would inform Montreux residents accordingly.

On MOTION by Mr. Brougham and seconded by Mr. Christensen, with Mr. Brougham, Mr. Christensen, Mr. Badessa and Mr. Schmitt in favor and Mr. Slater dissenting, instructing LandCare to begin maintaining the turf, shrubbery and trees within Montreux Tract D, within two to three weeks, was approved.

TWELFTH ORDER OF BUSINESS

**Discussion: Term Sheet for the 2020
Renewal of the Line of Credit for FCCDD#1**

Mr. Brougham presented the Term Sheet for the 2020 renewal of the \$500,000 line of credit for CDD #1.

On MOTION by Mr. Slater and seconded by Mr. Badessa, with all in favor, the Term Sheet for the 2020 Renewal of the Line of Credit for FCCDD #1, was approved.

THIRTEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of July 31, 2020**

Mr. Brougham presented the Unaudited Financial Statements as of July 31, 2020 and the Financial Highlights Report distributed by Mrs. Adams.

The following miscoded expenses would be corrected:

Access control “Operating supplies” \$810

Landscaping “Contingencies” \$5,156

FOURTEENTH ORDER OF BUSINESS

Approval of Minutes

A. June 24, 2020 Regular Meeting

Mr. Brougham presented the June 24, 2020 Regular Meeting Minutes.

The following change was made:

Line 33: Insert "Kassman" after "Allen"

On MOTION by Mr. Slater and seconded by Mr. Badessa, with all in favor, the June 24, 2020 Regular Meeting Minutes, as amended, were accepted.

B. July 22, 2020 Regular and Virtual Public Meeting Minutes

Mr. Brougham presented the July 22, 2020 Regular and Virtual Public Meeting Minutes.

The following changes were made:

Line 134: Change "Rottis" to "Roddis"

Lines 232 and 235: Insert "Bonsai American" in the blank spaces

Line 285: Change "While it" to "While we"

Line 307: Change "ceiling" to "sealing"

On MOTION by Mr. Christensen and seconded by Mr. Schmitt, with all in favor, the July 22, 2020 Regular and Virtual Public Meeting Minutes, as amended, were accepted.

FIFTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

A. June 24, 2020

Items 1, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15 and 16 were completed.

B. July 22, 2020

Mr. Christensen asked for the addition of an action item regarding striping on Runaway Lane. Mr. Cole stated the thermoplastic striping was removed fifteen years ago. The only way to improve the appearance would be milling and repaving; he would request an estimate.

SIXTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires reported the following:

- A proposed donation agreement was received from the County for the proposed force main extension. This would be presented on the next agenda.

➤ The newspaper advertisement for the Public Hearing would be sent to the newspaper on August 27, 2020.

➤ The Governor's recent Executive Order extended the ability to hold remote meetings until October 1, 2020. Updates would be provided when available.

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

- **NEXT MEETING DATE: September 23, 2020 at 8:00 A.M.**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the September 23, 2020 meeting.

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

This item was presented following Item 16D.

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

Mr. Willis presented the Report and reported the following:

- Weekly resident entries averaged 8,000.
- The irrigation system was shut down in anticipation of Hurricane Laura.

Mr. Brougham asked Mr. Willis to send a power washing schedule to residents.

Discussion ensued regarding olive tree droppings that were staining sidewalks.

Mrs. Adams stated the additional Traffic Hawk purchase was ongoing.

Lieutenant Jake Walker, of the Sheriff's Office, discussed crime prevention and the impact on emergency services, with the upcoming gate closures. Emergency access would be primarily via the two Collier Boulevard entrances; however, an option may be developed to allow a third entry. Discussion ensued regarding emergency access.

Mrs. Adams reviewed the Operations Report and responded to questions.

SEVENTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

EIGHTEENTH ORDER OF BUSINESS

Public Comments

Mr. Pires stated he wanted to present a PowerPoint presentation about the Sunshine Laws at the October or November meeting.

NINETEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 9:47 a.m.


Secretary//Assistant Secretary


Chair/Vice Chair