

**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 April 28, 2021 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 District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Joe Parisi	Developer’s Counsel
Michael O’Neill, Esq.	Foundation Legal Counsel
Tammy Campbell	McDirmitt Davis
Jerry Kurtz	Collier County
Mark Dorden	Collier County
Liz Gosselin	Collier County
Shane Willis	Director of Safety, Health and Environment
Christina Kennedy	SOLitude Lake Management (SOLitude)
Shannon Benedetti	Resident/Landscape Committee
Frank Weinberg	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Brougham 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)**

No members of the public spoke.

**THIRD ORDER OF BUSINESS**

**Presentation: Collier County Comprehensive Watershed Improvement Plan, by Amy Patterson**

This item was addressed following the Sixth Order of Business.

**FOURTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2020, Prepared by McDirmit Davis**

Ms. Campbell presented the Audited Financial Report for the Fiscal Year Ended September 30, 2020. There were no findings, irregularities or instances of noncompliance; it was a clean audit. The 2013 bonds are scheduled to be repaid in Fiscal Year 2021.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-03, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020**

Mr. Brougham presented Resolution 2021-03.

**On MOTION by Mr. Schmitt and seconded by Mr. Slater, with all in favor, Resolution 2021-03, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2020, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Quality Control Lake Report – April, 2021: SOLitude Lake Management**

Ms. Kennedy presented the March Quality Control Lake Report and responded to questions. All issues identified the previous month were receiving treatment, including persistent Torpedo Grass and Algae.

- **Presentation: Collier County Comprehensive Watershed Improvement Plan, by Amy Patterson**

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

Mr. Kurtz gave a slide presentation related to The Collier County Comprehensive Watershed Improvement Plan (CCCWIP), a large-scale project operated in partnership with the South Florida Water Management District (SFWMD), which endeavors to access monies for restoration following the BP oil spill, several years ago.

Topics discussed included the impacts to local waterways and ecology, boundaries of the project, updates to the CCCWIP, water management and the CCCWIP's goals of improving water quality through water quality sampling and water management. Several phases were contemplated and computer models were being utilized to study and design the water management systems that would be powered and managed with pumping stations.

Mr. Kurtz addressed the concerns in the District's letter to the Army Corps of Engineers (ACOE) regarding water quality impacts to Fiddler's Creek, as follows:

- The CCCWIP was concerned with water quality and was taking steps to ensure that polluted water is not sent to the District.
- Water quality assessments were ongoing.
- The tremendous size of the CCCWIP would be used to reduce water nutrient levels.
- Regarding the possibility of flows resulting in higher levels, calculations show the amounts of water to be sent would not come close to exceeding the capacity of the bridges and culverts used to control and prevent flooding.
- The amount of water that can flow under US 41 is set and, even with the CCCWIP's diversion flows, it will not be near capacity.
- The District is engineered very well to the standards of the Federal Emergency Management Agency (FEMA) and protected from storm events and storm surge
- The CCCWIP would contribute a very small amount of flow compared to storm events and would not adversely affect the District in that way.

Mr. Pires felt that the CDD would need to be notified of any changes to the culverts and the flow south of US 41 so concerns could be addressed. He suggested this requirement be built into the permit requirement. Mr. Kurtz agreed it was important to keep communities informed and stated he supported community outreach.

Mr. Schmitt requested that, if any water would be diverted into the main canal and into the spreader swale commonly known as Fiddler’s Creek and will install, at least one or two monitoring wells in the District to measure the water quality of incoming water in the canal and the spreader swale. An easement would be needed, which District Counsel could address. He expressed concern that additional inflows could cause flooding within the District and necessitate assessments and noted that the County does not maintain the water system inflowing to the District. The County was required to notify the District, under Section 401 and as a Special Taxing Unit, regarding any public hearings or public notices. Mr. Kurtz concurred.

Mr. Slater observed that no time frames were provided and asked when the project would be implemented. Ms. Gosselin stated the conceptual plans were completed and the design and permitting would take two years.

Mr. Brougham thanked the presenters for attending.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Aqua-Matic Irrigation Systems, Inc., Proposal/Contract for Gate Valve Replacements**

- **Blowoff Valve at End of Marsh Drive at Arboretum**

Mr. Cole presented the Aqua-Matic Irrigation Systems, Inc., Proposals/Contracts for gate valve replacements and for a blowoff valve at the end of Marsh Drive at Arboretum Run Drive. He stated that, while short-term shutdowns for irrigation work would be necessary, the work would be completed within about one month.

**On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, the Aqua-Matic Irrigation Systems, Inc., Proposals/Contracts for gate valve replacements and for a blowoff valve at the end of Marsh Drive at Arboretum Run Drive, in the amounts of \$34,085 and \$6,800, respectively, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Health, Safety and Environment Report**

Mr. Willis reported the following:

- The email address [safety@fiddlerscreek.com](mailto:safety@fiddlerscreek.com) would remain in use for guest access only. An additional email address would be created for community information.
- Gate Access: Daily audits identify the people on property via the Radio Frequency Identification (RFID) sticker program with increasing accuracy. Newer vehicles require sticker placement far from windshield sensors; the preferred location for the RFID is the headlight.
- Incident Reports/Parking: Parking infractions include trucks and golf carts illegally parked; golf carts are considered recreational vehicles, even if registered as a motor vehicle, and must be parked in garages. Offenders are generally cooperative in moving vehicles.
- Two villages have No Parking/Tow Zones and may tow vehicles without notice.
- Irrigation Program: April was a dry month, with usage of approximately eight million gallons, which was much higher than March; once the rains begin, usage would come back down.
- The main gate is operational. Other gates were on hold awaiting electrical service.  
Mr. Cole stated the force main project was delayed and the bid package was not yet submitted. The District would receive one to two months' notice before the project commences.

A Board Member noted the perception that Cherry Oaks is receiving special treatment due to signage. Mr. Willis stated signs were removed and traffic issues were referred to the County.

**NINTH ORDER OF BUSINESS**

**Developer's Report**

There being no report, the next item followed.

**TENTH ORDER OF BUSINESS**

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

**A. Update: Paving Schedule**

Mr. Cole reported the following:

- Paving on Fiddler's Creek Parkway was proceeding as planned between 951 and the Gatehouse.

- Paving was expected to be completed within the week and thermoplastic striping on the crosswalks and stop bars would be finished in two to three weeks.
- Club Center Drive paving would be from May 4, 2021 through May 7, 2021.
- Runaway would most likely be done on May 14, 2021.
- Contractors are responsible for cleanup of residual debris from the roadways and sidewalks.

Mr. Cole stated a fifth irrigation main break occurred at Fiddler’s Creek Parkway and Mahogany Bend. AquaMatic addressed the situation very quickly but water flowing to the west necessitated replacement of 200’ of paving. Mrs. Adams recommended submitting the \$70,000 cost to the insurance company. Mr. Cole stated that Collier Paving also quickly addressed and already completed the restoration. Three catch basins were affected and required cleanout; dozens of catch basins were recently inspected and only ten required cleanouts, with the worst only having six or eight inches of silt. The catch basins on Runaway Lane did not have any issues requiring cleanup so it was unclear why flooding occurred.

Mr. Cole recommended the Board approve the Sewer Viewer estimate to cleanout of the 13 catch basins at a cost of approximately \$2,500.

**On MOTION by Mr. Brougham and seconded by Mr. Slater, with all in favor, the Sewer Viewer estimate to cleanout 13 catch basins, in the amount of approximately \$2,500, was approved.**

Mr. Cole stated that lake erosion repairs were completed and a few remaining punch list items remaining would be finished shortly. Some residents who observed the repairs and inquired about their own properties were advised about the criteria for lake erosion repairs.

Mr. Slater noted that cones were set to mark an area of uneven pavement on Championship Drive. Mr. Cole stated that he would inspect the area.

**B. Design Review Committee - Ashton Woods Dock Plan Revised Approvals**

- I. 3307 Ibiza Lane (Lot 10B)**
- II. 3299 Ibiza Lane (Lot 12B)**
- III. 3295 Ibiza Lane (Lot 13B)**

- IV. 3291 Ibiza Lane (Lot 14B)
- V. 3288 Ibiza Lane (Lot 17B)
- VI. 3261 Ibiza Lane (Lot 24B)
- VII. 3257 Ibiza Lane (Lot 25B)

Mr. Cole stated that CDD approval was requested for dock permits in Marsh Cove and that, while he had reviewed and advised on such permits in the past, this was a new Collier County permitting requirement. Discussion ensued regarding liability, encroachment into the District easement, water quality facilities on the swale or berm, District access to perform lake bank restoration and the numerous existing docks constructed without CDD approval. Mr. Pires suggested an Encroachment Agreement be implemented, on a go-forward basis, to advise residents that, while the encroachment may remain, if necessary, the District would advise homeowners that items in the encroachment must be removed while repairs take place and, should they fail to remove them, the District would remove it without liability.

**On MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, authorizing Staff to draft Encroachment Agreements for shoreline docks and authorizing the Chair to execute, was approved.**

Mr. Pires recommended that the District absorb the cost of any legal, engineering or recording fees. Discussion ensued regarding the parties to the Agreements, language in the existing easement granting such access to the District, procedures for contractors and approval.

#### **ELEVENTH ORDER OF BUSINESS**

#### **Discussion: Status of Disaster, Strategies & Ideas Group, LLC (DSI) FEMA Appeal for Hurricane Irma Recovery**

Mr. Brougham stated the second appeal for Hurricane Irma recovery was submitted in advance of the April 19, 2021 deadline. Mr. Adams stated that FEMA confirmed receipt of the appeal but had not yet responded.

**TWELFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of March 31, 2021**

Mr. Brougham presented the Unaudited Financial Statements as of March 31, 2021. He noted that the \$1,788 "Due from FC foundation" line item, on Page 1, would be removed from the Balance Sheet.

**THIRTEENTH ORDER OF BUSINESS**

**Approval of March 24, 2021 Regular Meeting Minutes**

Mr. Brougham presented the March 24, 2021 Regular Meeting Minutes.

The following changes were made:

Line 134: Change "Pires" to "Parisi"

Line 134: Change "project" to "County Watershed Improvement Project"

Line 200: Change "6' " to "6" "

Mr. Brougham referred to Line 200 and requested that areas with line-of-sight issues be landscaped with ground cover plantings.

**MOTION by Mr. Brougham and seconded by Mr. Christensen, with all in favor, the March 24, 2021 Regular Meeting Minutes, as amended, were approved.**

**FOURTEENTH ORDER OF BUSINESS**

**Action/Agenda or Completed Items**

Item 11 was completed.

**FIFTEENTH ORDER OF BUSINESS**

**Staff Reports**

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

There being nothing further to report, the next item followed.

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

**I. 1,397 Registered Voters in District as of May 26, 2021**

**II. NEXT MEETING DATE: May 26, 2021 at 8:00 A.M.**

○ **QUORUM CHECK**

The next meeting will be held on May 26, 2021.

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

The Field Operations Report was provided for informational purposes.

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

This item was a duplication of the Eighth Order of Business.

**SIXTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

There were no Supervisors' requests.

**SEVENTEENTH ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**EIGHTEENTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned at 9:50 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair