

**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 26, 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
Michael O’Neill, Esq.	Foundation Legal Counsel
Ron Albeit	The Foundation
Dan Frechette	Security Director
Christina Kennedy	SOLitude Lake Management (SOLitude)

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

Consideration of Resolution 2021-04, Approving a Proposed Budget for Fiscal Year 2021/2022 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. Brougham presented Resolution 2021-04.

Mr. Adams reviewed the proposed Fiscal Year 2022 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2021 budget. Most adjustments were for roadway and irrigation pump station work, which would be cost shared with CDD #2. The "Lake bank erosion" line item was reduced, as most work was completed.

Regarding repaving Championship Drive, the Board agreed with Mr. Cole's recommendation and reason to defer funding for the project another year or two, as the District was already adding expenses to start funding the irrigation pump house replacement project and Championship Drive is in better condition than Club Center Boulevard.

Mr. Christensen felt that the creek next to Runaway Lane should be inspected for erosion before finalizing that budget line item. Mr. Cole stated he inspected several areas this year that did not meet the South Florida Water Management District (SFWMD) or Army Corps of Engineers 9" to 12" threshold. He would inspect the area before the next meeting, notify Mr. Christensen when he is on site and review the original inventory list to ensure all work on the list was completed. Annual inspections are typical and the SFWMD does not require repairs until the slope exceeds 12". He noted that instances of erosion occur in the first two years and he expected the lakes east of Marsh Cove to need some work, once they are developed. Mr. Pires asked how aggressively does SFWMD enforce the 9" erosion criteria. Mr. Cole stated he was not aware of SFWMD inspecting the areas since they inspected CDD #2 about ten years ago; the SFWMD is aware that the District is repairing areas in a phased approach. A Board Member felt that the SFWMD does not have insufficient manpower to re-inspect, unless a complaint is filed.

Mr. Adams explained the annual budget preparation, deliberation, public hearing and adoption process. He noted there would be other opportunities to make adjustments; however, assessments must be set at the July meeting in order to send the required Mailed Notice to property owners before the August public hearing, if assessments are increasing.

On MOTION by Mr. Schmitt and seconded by Mr. Slater, with all in favor, Resolution 2021-04, Approving a Proposed Budget for Fiscal Year 2021/2022 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 25, 2021 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.

Mr. Albeit asked about irrigation supply system costs doubling. Mr. Adams and Mr. Cole noted these were phased project line items for Pump Houses #1 and #2, which would be replaced in two and four years, respectively; the expenses would be cost shared with CDD #2.

FOURTH ORDER OF BUSINESS**Quality Control Lake Report – May, 2021:
*SOLitude Lake Management***

Ms. Kennedy presented the Quality Control Lake Report. She inspected the southeast section of the property towards the golf course, known as Group C, where most of the littoral shelves are located. Technicians were treating at least one spot in each section that she identified as requiring action. This was not uncommon for this time of year, due to water levels being low and the seasonal type of weeds that grow on dry banks. She would inspect these areas during her June inspection to ensure that the treatments were successful. She was asked to have the technician remove dead stems, if necessary.

FIFTH ORDER OF BUSINESS**Health, Safety and Environment Report**

Mr. Albeit reported that Mr. Willis resigned and Mr. Dan Frechette, the Access Control and Safety Supervisor would remain responsible for those duties. The Foundation is restructuring who will take on the Health and Environment responsibilities. Mr. Frechette reviewed the PowerPoint presentation pertaining to safety. In response to a question about the main gate, Mr. Albeit stated that, once the Sandpiper gate is activated, all access into the community will be through the Radio Frequency Identification (RFID) system.

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

Mr. O'Neill stated that the Sandpiper gate final inspection with the County would be soon and he expected it to open the first week of June.

SEVENTH ORDER OF BUSINESS**Engineer's Report: *Hole Montes, Inc.***

- **Update: Paving Schedule**

Mr. Cole reported the following:

- Club Center Drive paving started today and will be completed within the next three days. The contractor would also repair blemished areas damaged on Fiddler’s Creek Parkway at the cut through entrance to the future commercial tract.
- Runaway Lane repaving was completed; however, the contractor will need to repair minor tire marks and oil stains on the pavers exiting onto Fiddler’s Creek Parkway.
- The contractor is scheduled to replace sidewalks in several locations along Championship Drive, east of Mulberry and west of Fiddler’s Creek Parkway. Regarding whether warning signs will be placed on Championship Drive, Mr. Cole stated cones were put up. Mr. Cole was asked to send Mr. Frechette the paving project schedule to e-blast to residents.

Mr. Schmitt asked Mr. Cole to make sure the contractor cleans the sand debris up off Fiddler’s Creek Parkway at the turn onto Montreux Lane. He asked Mr. Frechette to have patrol monitor where LandCare parks, as they were parked on Championship Drive, which prevented others from seeing oncoming traffic. Mrs. Adams was asked to discuss this with LandCare.

- AquaMatic completed installation of the blowoff valve at the east end of Marsh Drive and a significant number of snails and other debris was flushed out; repair work was ongoing.
- Phase 7 lake erosion repairs and the remaining punch list items were completed.

In response to questions regarding the Encroachment Agreements, Mr. Pires stated that one was executed and the Developer provided the exhibits. He would forward the other five agreements to Mr. Brougham next week for him to execute. Regarding fees, Mr. Pires stated that Mr. Lewis was very helpful and comfortable with the \$52.50 per document recording fee; he would notify Mr. Lewis of the other costs, estimated at \$500.

EIGHTH ORDER OF BUSINESS

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

Mr. Brougham stated the District’s Consultant, Ms. Berry, replied to his email, stating that she had not heard back from the Federal Emergency Management Agency (FEMA) regarding the appeal but she would make some phone calls. Her contact responded the appeal was moved up in priority and, if necessary, she would make further calls to escalate a response.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2021-05, Designating Dates, Times and Locations for Regular Meetings of the Board of

Supervisors of the District for Fiscal Year 2021/2022 and Providing for an Effective Date

Mr. Brougham presented Resolution 2021-05.

The following change was made to the Fiscal Year 2022 Meeting Schedule:

DATE: Delete November 10, 2021 meeting

MOTION by Mr. Christensen and seconded by Mr. Badessa, with all in favor, Resolution 2021-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022, as amended, and Providing for an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2021

Mr. Brougham presented the Unaudited Financial Statements as of April 30, 2021. Mr. Adams was asked to have Accounting remove the \$15,000 "Revenue-Miscellaneous" line item from future Financial Statements and the proposed Fiscal Year 2022 budget, as the District is no longer managing clickers. The financials were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of April 28, 2021 Regular Meeting Minutes

Mr. Brougham presented the April 28, 2021 Regular Meeting Minutes. The following change was made:

Line 24 and throughout: Change "Kertz" to "Kurtz"

MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, the April 28, 2021 Regular Meeting Minutes, as amended, were approved.

TWELFTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Items 2, 4, 6, 8 through 16, 18, 19, 20 and 22 through 25, were completed.

Item 1: Mr. Brougham agreed to Mr. Pires' fee of about \$10,000 and asked him to pursue a settlement offer for reimbursement of the District's legal costs. Mr. Pires would speak with Mr. Parisi about this matter.

Item 2: Although completed, Mr. Pires would request a copy of the County’s presentation and distribute it to the Board.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

- **Consideration of Proposed Revised Billing Rates, Fees, Expenses and Charges Beginning October 1, 2021**

On MOTION by Mr. Brougham and seconded by Mr. Badessa, with all in favor, the Woodward, Pires & Lombardo, P.A., Proposed Revised Billing Rates, Fee, Expenses and Charges, Beginning October 1, 2021, was approved.

Mr. Pires reported the following:

- Mr. Adams and Mr. Pires worked on having a Motion to Dismiss filed in response to the District being named in a foreclosure lawsuit where the lender alleged that the District’s assessments were inferior to the mortgage. The property was located on Cherry Oaks; he expected the action to be dismissed shortly.
- The Foundation engaged him to monitor the Conditional Use Permit for the Southern Gas Propane Storage and Distribution Facility and attend the neighborhood information meeting tomorrow.

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

- **NEXT MEETING DATE: June 23, 2021 at 8:00 A.M.**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the June 23, 2021 meeting.

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*

Remove this item from future agendas, as it is a duplicate of the Fifth Order of Business.

FOURTEENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Brougham stated that Mr. Portnoff notified him about the Isla Del Sol Association's plans to seal coat Isla Del Sol Way this summer, from gate to gate, and Mr. Potnoff asked if the District would participate in sealing approximately 45' of CDD-owned property on the north side. He asked Mr. Portnoff to have the contractor provide an estimate of the costs for the District's portion of the project, should the Board decide to proceed. Discussion ensued regarding cost, the Association executing an Agreement for paver use on the south end and the use of standard seal coating for 25 miles per hour (mph). The Board agreed to proceed with the project.

Mr. Brougham asked what, from a legal perspective, the Association and the District needed to do regarding Peppertree Village proceeding with demolishing and replacing their entrance monuments. Mr. Pires provided several Agreement options. Mr. Brougham directed Mr. Pires to proceed with the easiest solution, which would be an Encroachment Agreement.

FIFTEENTH ORDER OF BUSINESS**Public Comments**

There were no public comments.

Mr. Brougham discussed a resident request to have her valley gutter replaced, as it was leaving residue and not draining properly; however, upon inspection, it was determined that it drained properly. Mrs. Adams stated that she invited the resident to the meeting to discuss it with the Board but the resident was not in attendance. Mr. Brougham asked the Board and Staff to invite residents with complaints to attend District meetings. A Board Member recalled an open complaint from residents who want concrete repair work to be redone. Mr. Cole noted that the contractor is working on getting a stain to match the existing roadside curbs.

Mr. Brougham asked if the cleaning machine was back in operation. Mr. Albeit replied affirmatively; however, The Foundation is purchasing a new and improved one. In response to a request, Mr. Albeit would ask the Facilities Department if they can clean the pavers at the main entrance while cleaning the sidewalk. Mrs. Adams would review the contract with The Foundation, as she thought that was already included in the contract.

SIXTEENTH ORDER OF BUSINESS**Adjournment**

There being nothing further to discuss, the meeting adjourned at 8:58 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair