

**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 June 23, 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
Ron Albeit	The Foundation
Dan Frechette	Security Director
Todd Lux	Facilities Director
Christina Kennedy	SOLitude Lake Management (SOLitude)
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)

Mr. Christensen, speaking as a homeowner, asked about the proper procedure for having a directional sign to a village installed on CDD property. He felt that the Runaway Bay village monument and street signage is difficult to see during the day and night and there is no

sign on Fiddler's Creek Parkway. Mr. Parisi stated that he would follow up on this, review the signage placement and have the situation remedied. He would meet with Mr. Lux and Mr. Frechette to ensure that signs are ordered and to determine where they would be installed. He would provide an estimated completion time as soon as possible.

Mr. Schmitt stated the Planned Unit Development (PUD) language related to signage must be adhered to and noted that other villages did not have signs; there is no sign on Mulberry. Mr. Parisi stated he would ensure the signage is in compliance with PUD guidance.

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

Ms. Kennedy presented the Quality Control Lake Report. When she re-inspected Group C, which was done two months ago, many of the areas had been targeted and treated and additional treatments were performed by boat and by SOLitude's wetland division. Some areas in Group C had observable torpedo grass and vines; those areas were treated early last week and results from those treatments may not be noticeable yet.

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

Mr. Frechette reviewed the PowerPoint pertaining to safety and highlighted the following:

- The Sandpiper Gate was open and fully functional.
- The Radio Frequency Identification (RFID) system was in effect and all gate arms are down.
- The gate would be open and manned 24-hours a day
- Roving patrols would be reduced until additional staff is hired.
- Normal operation resumed at all gates and all exit arms are down.
- Trucks were being directed to use the entrance and exit gates and community patrol was enforcing the procedure.
- Cones were set up to prevent entry and exit from the Publix plaza and the area was monitored.

➤ Truck Exit at the Sandpiper Gate: Mr. Parisi sent multiple letters to Publix to address the gate and a meeting was scheduled regarding installation of fencing at its exit and a keypad is in place for Publix trucks to access the property, while preventing access to Fiddler's Creek property.

Traffic control, construction and truck access to the Publix plaza were discussed. Mr. Parisi stated that updates would be provided.

Mr. Frechette presented monthly statistics. He stated that there were fewer incidents than in the previous month and he expected the statistics to continue trending downward.

FIFTH ORDER OF BUSINESS

Developer's Report

Mr. Parisi reported the following:

➤ The gatehouse was now open and operating; final inspection was pending.

Mr. Pires asked for copies of all documents related to the gatehouse to be transmitted to Mr. Adams. He noted that the District had a ground lease and he believed the CDD was entitled to copies of documents. Mr. Parisi stated he would have the documents prepared.

Mr. Schmitt asked if there were plans to upgrade or remodel the Championship Gate. Mr. Parisi stated that may be done in the future but there were currently no plans.

➤ Two additional parcels would begin development in Oyster Harbor; Kumamodo Lane may be completed by the end of the year and over 50 homes were sold since December. Several homes in Dorado were under contract and utility work would begin soon.

Mr. Brougham asked for the status of the sidewalk, gutter and monument cleaning schedule.

▪ **Facilities Update**

This item was an addition to the agenda.

Referencing a PowerPoint, Mr. Lux reported that pressure washing on Aviamar Circle was completed in the past 30 days and Sandpiper Drive was underway. Fiddler's Creek Parkway and surrounding communities would be next.

Mr. Brougham recalled discussions about purchasing a new pressure washing machine. Mr. Lux stated a new machine would be tested today. Mr. Brougham expressed his opinion that

the current machine could not keep up with the demand and a second machine would help greatly as the community grows. Mr. Lux stated the schedule was mapped in such a way that he was confident that all requirements would be met, including monument cleanings. Discussion ensued regarding scheduling and the demand for pressure washing.

Mr. Albeit noted that the Agreement is between the CDD and The Foundation. Mr. Brougham felt that it was important to proactively pressure clean to a high standard, even if it means the contract needs to be adjusted. Mr. Lux stated he would schedule pressure cleaning and accommodate special requests and monument cleanings accordingly.

SIXTH ORDER OF BUSINESS

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

Mr. Cole reported the following:

- **Update: Paving Schedule**

- Several areas on the Fiddlers Creek Parkway overpass had pavement sloughing; photos were sent to the contractor and those repairs would be scheduled. Some blemishes remained near the first turn toward the future commercial tract at the main entrance. The contractor addressed those twice but additional treatment is necessary. Minor blemishes at the opening before the gatehouse would also be addressed.

Mr. Schmitt asked if re-milling would be necessary to address the sloughing. Mr. Cole stated that was still to be determined.

- Runaway Lane was completed, up to the pavers, which is the end of the area for which the CDD is responsible.

- Club Center Drive work was completed last month; minor punch list items remained.

Mr. Brougham asked Mr. Parisi why the pavers were not installed at the main gate entrance. Mr. Parisi stated it might be related to conduit work; he would look into it.

- Several sidewalk panels were replaced along Championship Drive and several areas were ground down due to tree root damage; anything over ¼" must be ground down to meet safety requirements. This project would be ongoing. Staff would follow up with the contractor.

- **Results of Inspection of Creek Adjacent to Runaway Lane for Lake Bank Erosion**

➤ Inspection showed a little over 1,000' of creek and lake bank that might need erosion repairs. The \$60,000 budgeted for Fiscal Year 2022 could be slightly less than necessary to address the repairs. Additional inspections would be done before a proposal is requested. The repairs would be scheduled for Fiscal Year 2022.

Mr. Brougham asked if the area in question abuts the preserve. Mr. Cole responded affirmatively. Mr. Brougham asked if there are restrictions regarding erosion control on the south side of the creek. Mr. Cole stated he would ask SOLitude if any problems were observed. He noted that different types of repairs may be needed due to tidal waters in the creek downstream of the control structures. Discussion ensued regarding the water management and control structures.

Mr. Slater asked if the CDD is responsible for the preserve area. Mr. Cole stated the CDD is responsible for removal and management of exotic plants; ultimately, the District is responsible for CDD-owned land in the preserves.

A Board Member asked for an update on the Mahogany force drain. Mr. Cole stated there was no update.

- **Review of Original Inventory List**

Mr. Cole stated an inventory of necessary lake bank erosion repairs was compiled ten years ago and all identified work was completed, except for the front entry lakes that were purposely postponed until adjacent development occurs.

SEVENTH ORDER OF BUSINESS

Presentation/Consideration: Proposed District Boundary Changes

- A. CDD Area Exchanges (Maps)**
- B. Consideration of Resolution 2021-06, Authorizing the Filing of a Petition with the Florida Land and Water Adjudicatory Commission for a Modification of the District's Boundaries and the Jurisdiction of the District Through Expansion and Contraction; Providing for Certain Requirements Implementing Section 190.046(1), Florida Statutes; Providing for Severability, Conflicts and an Effective Date**

Mr. Parisi distributed redline versions of the documents that were reviewed by Counsel. He presented slides depicting the current and proposed boundaries. An area of future development located between Oyster Harbor and the golf course would be named Hidden Cove. The boundaries of CDD #1 and CDD #2 meet on that property and the proposed boundary changes would move the boundaries and designate the area for future development of Hidden Cove. The process for CDD #1 process would involve the State and the County. Mr. Kenza Van Assenderp and Ms. Sylvia Alderman were retained to represent the parties in Tallahassee and Mr. Greg Urbancic, of Coleman Yovanovich Koester, would work with Mr. Pires to address the matter with the County. All costs would be borne by the Developer.

Mr. Brougham asked if the intent is to move the area to be developed so that it is within one CDD. Mr. Parisi responded affirmatively and stated there were no CDD bonds on CDD #1's portion of the property. Mr. Brougham asked if there would be no impact for CDD #1 property owners. Mr. Parisi responded affirmatively and noted that a small portion of land outside of both CDDs would become part of Hidden Cove, in CDD #2.

Mr. Parisi indicated which areas are intended for future development and an overpass on the golf course. The boundary line runs along the golf course and all future construction would occur on the CDD #1 side. A driving range would be added to CDD #1, at no cost. Phase 3 construction, possibility of a future bond issuance, future planned development, current boundaries and proposed boundaries were discussed.

Mr. Brougham asked if CDD #1's bond funds were depleted. Mr. Parisi responded affirmatively. Mr. Christensen asked if the number of units in CDD #1 would change. Mr. Parisi stated there would be no change in the number of units.

Mr. Pires stated Mr. Russ Weyer would prepare the statement of estimated regulatory costs. The Agreement provides that the petition must be acceptable to the Board so this would be presented to the Board before it is finalized. He reviewed the redline documents. The Resolution number would be inserted into the seventh "Whereas" of the Boundary Funding Agreement.

Mr. Brougham presented Resolution 2021-06.

On MOTION by Mr. Schmitt and seconded by Mr. Brougham, with all in favor, Resolution 2021-06, Authorizing the Filing of a Petition with the Florida Land and Water Adjudicatory Commission for a Modification of the District's Boundaries and the Jurisdiction of the District Through Expansion and Contraction; Providing for Certain Requirements Implementing Section 190.046(1), Florida Statutes; Providing for Severability, Conflicts and an Effective Date, was adopted.

C. Consideration of Boundary Amendment Funding Agreement with GB Hidden Cove, LLC, and FCC Marsh, LLC

Mr. Pires presented the Boundary Amendment Funding Agreement, which, aside from scriveners' changes, was in a form acceptable for approval and execution by the Chair.

On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, the Boundary Amendment Funding Agreement with GB Hidden Cove, LLC, and FCC Marsh, LLC, subject to scriveners' comments and/or error corrections, and authorizing the Chair to execute the Agreement, was approved.

Mr. Parisi stated he would deliver a clean copy of the Agreement. Mr. Pires asked for a copy of Exhibit A to be attached.

Mr. Brougham asked Mr. Pires for the status of the Agreements pertaining to encroachment. Mr. Pires stated the Agreements were drafted and would be sent today.

EIGHTH ORDER OF BUSINESS

Continued Discussion: Fiscal Year 2022 Budget

Mr. Brougham reviewed the proposed Fiscal Year 2022 budget. Board Members discussed changes to various budgeted expenditures.

The following changes were made to the proposed Fiscal year 2022 budget:

Page 5, "Water management – Other contractual": Delete "access control" and applicable figures, as access control expenses are no longer shared.

Page 2, "Roadway services – Capital outlay": Change "350,000" to "400,000"

Mr. Brougham asked for clarification of the "Irrigation supply – Supply system" expenditure of \$368,500. Mr. Cole stated the overall cost of \$840,000 would be split between the two CDDs and included pump house replacement and CERT repairs.

Mr. Brougham noted this was the Board's last opportunity to revise the proposed Fiscal Year 2022 budget before the letter is drafted to advise property owners of an assessment increase. Mr. Cole stated the total cost of the pump house was \$600,000; \$50,000 was added for roof replacement and 15% was added for contingencies and inflation, bringing the total to \$740,000, which was rounded up to \$750,000. The cost was split between the two CDDs, at a cost of \$325,000 each; \$25,000 was added for filter screen replacement, \$5,000 was added for doors and hatches, \$10,000 was added for the Lake A-5 pump house hatch repair, \$30,000 was added for gate valve replacements and a \$25,000 contingency was added in the event of another irrigation main break. The total of \$420,000 was split, with the CDD #1 portion being \$231,000 and the CDD #2 portion being \$189,000. The next two years would pay for replacement of the first pump house and the same level of funding would pay for the next pump house replacement in four years.

Mr. Slater asked for clarification of the amount to be budgeted for this expenditure over the next four years. Mr. Cole discussed the two-phase program, which splits the expenditures for pump house repairs between CDD #1 and CDD #2.

The following changes were made to the proposed Fiscal year 2022 budget:

Page 1, Revenues: Remove "Miscellaneous" in the amount of 15,000

Page 2, "Street lighting – Holiday lighting program": Change "15,000" to "16,500"

Mr. Brougham stated he asked Mrs. Adams to obtain a proposal to increase the frequency of mosquito spraying from bi-weekly to weekly. Mrs. Adams stated the cost for the additional spraying for CDD #1 and the Villages is an additional \$15,000, through September. The current contract was \$23,582; however, spraying normally stops in September but an additional month of spraying was added last year. Discussion ensued regarding increasing the budgeted amount. Mr. Adams stated the immediate increase would have a negligible impact on the Fiscal Year 2021 budget. Mrs. Adams stated the County would be advised that the CDD is increasing the frequency of its spraying program so that double-spraying would not occur.

The following change was made to the proposed Fiscal year 2022 budget:

Page 2, “Other contractual– mosquito control”: Change “33,000” to “40,000”

Mr. Slater asked for clarification of the irrigation supply expense line items, given the \$1.5 million cost to replace two pump houses. Mr. Cole and Mr. Slater discussed the previously itemized costs and how much would be budgeted in the future. Mr. Cole stated the first pump house would be replaced in August 2023; parts would need to be ordered in advance, bids would be obtained and real numbers could be reviewed based on actual bids. Replacement of the entire system would take approximately two weeks. Replacement would be done during the rainy season and, during that time, the other two pump houses would be functional.

Mr. Christensen asked for the approximate cost of 1,000’ of geotubes. Mr. Cole approximated a cost of \$60,000.

Mr. Adams stated the changes noted would result in an assessment of \$1,548.51, equating to an increase of approximately \$216 per unit.

NINTH ORDER OF BUSINESS

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

Mr. Brougham stated the Florida Department of Emergency Management recommended approval of the District’s second appeal and sent it to Atlanta on June 3, 2021. He would wait another week and then follow up with Ms. Berry, the District’s Consultant.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of May 31, 2021

Mr. Brougham presented the Unaudited Financial Statements as of May 31, 2021. Mr. Christensen noted the funds due from CDD #2 had grown from \$61,000 to \$75,000. Mr. Adams stated he would follow up with the Accounting Department.

Mr. Christensen asked what the legal expenses would be for the rest of Fiscal Year 2021. Mr. Pires stated he expected the legal expenses to come in under budget.

The financials were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of May 26, 2021 Regular Meeting Minutes

Mr. Brougham presented the May 26, 2021 Regular Meeting Minutes. The following change was made:

Line 123: Change "were" to "where"

MOTION by Mr. Brougham and seconded by Mr. Schmitt, with all in favor, the May 26, 2021 Regular Meeting Minutes, as amended, were approved.

TWELFTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Item 4 was completed.

Mr. Brougham stated the Fiscal Year 2022 Meeting Schedule should be changed, as discussed at the last meeting. Mr. Adams stated the change was made at a previous meeting.

Mr. Slater stated that perimeter fencing at Mulberry slipped. Mr. Cole would inspect the area.

Discussion ensued regarding landscaping at Antilles. The consensus was that the landscaping is satisfactory.

Faded signs at the front gate entering from 951 and a three-way sign at the intersection of Club Center Drive and Fiddler's Creek Parkway were noted. A sign was missing at the intersection of Club Center Drive and Cherry Oaks Drive. Mrs. Adams would inspect the areas.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

There was no report.

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

- **NEXT MEETING DATE: July 28, 2021 at 8:00 A.M.**
 - **QUORUM CHECK**

The next meeting would be held on July 28, 2021.

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

The Financial Highlights Report was provided for informational purposes.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

FIFTEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

SIXTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 9:26 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair