

**MINUTES OF MEETING
FIDDLER’S CREEK COMMUNITY DEVELOPMENT DISTRICT #1**

The Board of Supervisors of the Fiddler’s Creek Community Development District #1 held Multiple Public Hearings and a Regular Meeting on August 25, 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:

Philip Brougham	Chair
Robert Slater	Vice Chair
Joseph Badessa	Assistant Secretary
Joseph Schmitt	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Tony Pires	District Counsel
Terry Cole (via telephone)	District Engineer
Joe Parisi	Developer’s Counsel
Ron Albeit	Foundation General Manager
Richard Renaud	Supervisor of Safety
Todd Lux	Director of Facilities
Christina Kennedy	SOLitude Lake Management (SOLitude)
Frank Weinberg	Resident
Deborah Woods (via telephone)	Resident
Lori Elliot	Resident
Diana Moorhead	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Brougham called the meeting to order at 8:00 a.m. Supervisors Brougham, Slater, Badessa and Schmitt were present, in person. Supervisor Christensen was not present.

SECOND ORDER OF BUSINESS

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

No members of the public spoke.

THIRD ORDER OF BUSINESS

Quality Control Lake Report – August, 2021: SOLitude Lake Management

Ms. Kennedy presented the Quality Control Lake Report and highlighted the following:

- Staff was getting a better handle on controlling weed growth and a significant impact on the number of vines, near the golf course section known as Group C, was made.
- A new chemical was being used to control alligator weed, which is as difficult to control as torpedo grass.
- Lakes 38A/B/C: Torpedo grass was removed and the plan was to hand pull the few remaining willows.
- Lakes 50 A/B: Treated and still needed to address water hyacinth at Lake 50A, off the 12th tee shoreline and via boat.
- Lakes 78 and 79A: Torpedo grass and alligator weed treatments continue.
- Sites previously marked as requiring inspection are re-inspected during the regular scheduled site inspections.

In response to several questions, Ms. Kennedy explained the comment “rising water levels help” was because it drowns certain weeds that typically grow in the dry season. The vegetation at Lake 43B was deemed appropriate, as it is a partial wetland lake.

FOURTH ORDER OF BUSINESS

Health, Safety and Environment Report

Mr. Slater asked for the gate access instructions and the PowerPoint presentation regarding 911 instructions to be revised to include “contacting Community Patrol”, once 911 is contacted.

Mr. Renaud reviewed the PowerPoint pertaining to safety and monthly gate activity, occupancy and incident statistics. He, Mr. Lux and Mr. Parisi responded to questions, as follows:

- Garage Door Violation Process: Notices are placed on the door because violations are typically identified in the middle of the night.
- Sidewalk Cleaning on Fiddlers’ Creek Parkway: Work started 1½ weeks ago and was at the point of the gatehouse; work on the Parkway was expected to begin next month.

- Purchase of Second Pressure Washing Machine. Contract was received yesterday and it was expected to be executed today.

FIFTH ORDER OF BUSINESS

Developer's Report

Mr. Parisi reported the following:

- Publix: Still working with the Publix representatives to finalize the gate access details. As Publix is set to open tomorrow, he hoped to have the project completed within 1½ months.

Mr. Pires distributed an excerpt of the Staff Report, for informational purposes, regarding tomorrow's examiner hearing mediation that would allow a second sign on Sandpiper Drive to be installed.

- Final approval for the gate was pending. The County has one year to release the maintenance bond on that property.
- Fence and landscaping materials were being purchased to fill in the opening from the pump house in Aviamar to the entrance of the gate.
- Construction traffic was being reinforced away from Sandpiper Drive and Cherry Oaks Lane.

Mr. Parisi was asked to send the Certificate of Completion documents for the guardhouses to Mr. Adams to add to the CDD's insurance policy; other documents were pending.

SIXTH ORDER OF BUSINESS

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

Mr. Cole reported the following:

- Mahogany Bend Force Main Project: The County awarded the project to Quality Enterprises USA. Materials were being ordered but the project would not start for another two months. Staff and residents would be notified in advance of any road closures.
- Sidewalk repairs along Championship Drive were completed.
- The internal Team was reviewing the draft petitions to revise the CDD boundary and working towards submitting the petition for CDDs #1 and #2 to the State and County, respectively.

Mr. Pires noted that the petitions must be presented to the Boards before filing them. Mr. Parisi stated he would contact his team to check on the status.

➤ The shifted fence panels on Mulberry Lane will need to be lifted.

Mr. Schmitt observed utility markings along Championship Drive and asked if it was for the initial design or cut. Discussion ensued whereby the County was on site doing prep work as the project was not expected to start for a few months.

▪ **Health, Safety and Environment Report**

Discussion of this item continued.

Mr. Lux reviewed the PowerPoint presentation pertaining to "Environment", which was emailed yesterday. He noted the schedules for trimming the high palms and coconut palms and confirmed that the items pressure washed included the sidewalks and curbs.

SEVENTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2021/2022 Budget

Mr. Brougham explained the purpose of the Mailed Notice to dispel the rumor and misunderstanding going around the community about the "Imposing a Special Assessment" wording in the Notice. The assessment increase is to cover the CDD's operation and maintenance (O&M) expenses, which would increase for Fiscal Year 2022.

Mr. Brougham stated that each traffic signal expense is shared 50/50 with CDD #2; this was an estimated amount and it was approved through an Agreement five years ago. He believed that another contributor is 7-Eleven. Mr. Parisi stated he was scheduling a conference call with Counsel for Halverson to discuss releasing the \$200,000 to go towards costs. Mr. Cole was asked to email information to the Board because Mr. Adams' understanding for CDD #2 of how funds would be disbursed differed from CDD #1. Mr. Pires recalled Mr. Cole discussing this matter in detail several meetings ago.

Mr. Brougham and other Board Members discussed their frustration in finding out that the same algorithm used for the traffic signal at the 951 main entrance did not apply to the upcoming signal project or similar ones in the future and Mr. Pires' suggestion to consult outside counsel to resolve this, as he represents both CDDs. Discussion ensued regarding

Halverson owning the Publix property, maintenance, Planning Commission meeting presentations being available, occupancy of each CDD and determining the amount in dispute.

Mr. Parisi stated he would review the relevant documents and present them at the next meeting. Mr. Parisi, Mr. Cole, Mr. Pires and Mr. Adams were asked to work on a concise briefing of what needs to be resolved and include all pertinent Agreements to present at the next meeting.

Resident Lori Elliot asked if the assessment amount in the Mailed Notice for both CDDs was the same. She felt that the reason for homeowner confusion was justified due to the discussion about the traffic signal. Mr. Brougham replied no and explained that the O&M expenses are different for each CDD; residents mistakenly thought the assessment was to pay for the traffic signal, which is not the case. Discussion ensued between several residents and the Board regarding how to clarify certain information for homeowners, homeowners receiving information from social media, differences between the CDDs and CDD minutes being available for review. Mr. Brougham responded to resident questions regarding when minutes are posted. He clarified that two separate issues were being discussed.

A. Proof/Affidavit of Publication

The proof of publication was provided for informational purposes.

B. Consideration of Resolution 2021-07, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Brougham presented Resolution 2021-07.

Mr. Brougham opened the Public Hearing.

No members of the public spoke.

Mr. Brougham stated that the proposed budget deliberation process begins in June each year and continues up to the public hearing to adopt the annual budget.

Mr. Brougham closed the Public Hearing.

On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, Resolution 2021-07, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Public Hearing to Hearing Comments and Objections on the Imposition of Special Assessments for Operations and Maintenance for Fiscal Year 2021/2022, Pursuant to Florida law

A. Proof/Affidavit of Publication

The affidavit of publication was provided for informational purposes.

B. Mailed Notice(s)

A copy of the Mailed Notice was included for informational purposes.

C. Consideration of Resolution 2021-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; 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

The Public Hearing was opened.

No members of the public spoke.

The Public Hearing was closed.

Mr. Brougham presented Resolution 2021-08.

On MOTION by Mr. Schmitt and seconded by Mr. Slater, with all in favor, Resolution 2021-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; 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.

NINTH ORDER OF BUSINESS

Discussion: Adamczyk Law Firm, PLLC, July 22, 2021 Letter Regarding Championship Drive Maintenance Obligations

Mr. Pires stated that, after discussions with Staff and Mr. Parisi about this matter, the recommendation was to prepare a response conveying that the CDD believes entering into an agreement is unnecessary; and, instead recommended that all parties approach Collier County about having ownership of that stretch of Championship Drive.

Mr. Slater referred to the Deltona settlement and suggested that Mr. Pires dispute the claim. Mr. Parisi recalled that the Developer received a similar request a few years ago and it made sense for the County to maintain the road. Discussion ensued regarding rezoning at Copper Cove and bringing the road up to the County's standard that were set at the time it was built. Mr. Pires was asked to copy the County Commissioner on the letter.

On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, authorizing Mr. Pires to work with involved parties to prepare a response letter to Mr. Adamczyk, to pursue an alternative approach whereby the County would take over the road, and for the Chair to review, was approved.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2021

Mr. Brougham presented the Unaudited Financial Statements as of July 31, 2021. The financials were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of July 28, 2021 Regular Meeting Minutes

Mr. Brougham presented the July 28, 2021 Regular Meeting Minutes.

Mr. Pires referred to Line 47 regarding invasive crested floating heart coming into the District's flow way and the County's Watershed Improvement Program (CWIP). He recommended putting the County on notice.

The following change was made:

Line 83: Change “A Board Member” to “Mr. Schmitt”

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

TWELFTH ORDER OF BUSINESS

Action/Agenda or Completed Items

The following items were discussed:

- Federal Emergency Management Agency (FEMA) Update: Mr. Adams was working on scheduling a conference call for next week with the firm working on behalf of FEMA. Updates will be provided.
 - Item 16: Addressing landscape issues was underway. The sabal palm on Championship Drive was not being replaced. Delays were due to limited supply. It was still necessary to fill and sod to complete the gate installation project on Championship Drive and Mulberry.
- Items 13, 15 and 17 were completed.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

In response to Mr. Pires’ recommendation, the Board agreed for Mr. Adams and Mr. Cole to prepare standard instructions for homeowners that will be used as an Exhibit to the Encroachment Agreement to address violations.

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

- **NEXT MEETING DATE: September 22, 2021 at 8:00 A.M.**
 - **QUORUM CHECK**

The next meeting would be held on September 22, 2021.

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

The Operations and Financial Highlights Reports were provided for informational purposes and distributed during the meeting.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Brougham wished Supervisor Christensen well. He apologized about the heated discussions and noted it is difficult to explain the differences between the CDD assessments and HOA fees to homeowners.

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 9:19 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Copsali
Secretary/~~Assistant Secretary~~

PC Brigham
Chair/~~Vice Chair~~