

**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 September 22, 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
Torben Christensen	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	Foundation General Manager
Dan Frechette	Security Director
Todd Lux	Director of Facilities
Christina Kennedy	SOLitude Lake Management (SOLitude)
Shannon Benedetti	Resident/Landscape Committee
Frank Weinberg	Resident
Jesse Fritz	Resident
Elliot Miller	Fiddler’s Creek CDD #2 Board Member

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

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

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

➤ Sections C and A were re-inspected. As shoreline growth and cattail was observed, treatment is scheduled for the 16th.

Ms. Kennedy explained the criteria for treatments in the rain and noted that chemicals must dry for 30 minutes to be effective. She discussed the four technicians that conduct weekly visits and typically inspect 10 lakes in each section, which allows them to stay on top of issues.

➤ Mr. Christensen observed growth on the opposite side of the creek, which was treated.

Ms. Kennedy explained that one of the technicians uses the boat to treat the lakes and flow-ways and identified the violet material as willow or cattail.

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

Mr. Frechette and Mr. Lux reviewed a PowerPoint related to safety, monthly gate activity, occupancy, incident statistics and facilities management and reported the following:

➤ Instructions for contacting Community Patrol once 911 is contacted, was incorporated into the PowerPoint.

➤ Four interviews would be held this week and six more candidates were being screened.

➤ Vehicles: The Foundation owns two patrol cars and a jeep that is used for other purposes.

➤ Traffic Hawk: The Traffic Hawk Championship Drive speeding data from last week was posted on the website. If there is a speeding issue exiting at Championship, the incoming cameras would be checked to obtain the license plate number.

➤ Design Review Committee (DRC): Mr. Parisi stated that the DRC processed 150 applications over the last month. The process was now under control and he planned to re-hire a past Foundation employee to assist. In one instance, a resident scheduled contractors before receiving final DRC approval.

➤ Pressure Washing: The second machine is expected in December. Mr. Lux was asked to provide a six-week schedule to the Villages. Mr. Lux explained that the delay might be due to the weather, hazardous areas and equipment break down.

➤ Regarding concerns that irrigation at the corner of Bent Creek and Fiddler's Creek Parkway will be restricted until December, as the valve cannot be repaired until the water level recedes, the system is on a cycle and will run once it is on, just not at the optimal speed. Aqua-Matic plans to repair the value before December, once the dry season begins.

Mr. Brougham asked if someone had a contact with the County so that cleaning the paver median divide on 951, coming into the main entrance, could be requested. He would send Mr. Lo Castro a note to address this with the County's contractor.

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

Mr. Parisi reported the following:

➤ Publix signed off on The Foundation's plans and the permit to install the extension of the block wall and rolling gate at the service exit for the plaza was in progress. The project was expected to be completed in six to eight weeks.

A Board Member reported that the Publix sign on Sandpiper Lane was causing line of sight issues coming from the Fiddler's Creek gate. In his opinion, the area needs a stop sign. Mr. Cole would inspect and confirm if the Publix sign was installed to code.

➤ A box of Certificate of Occupancy files for the guardhouses and Fiddler's Creek Parkway were sent to Mr. Pires and link to access the warranty documents would be emailed to Mr. Pires. The Certificate of Occupancy and plans were sent to Mr. Adams a while ago.

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

Mr. Cole reported the following:

➤ Lake levels were functioning as intended, given that they were just ½' above control, considering it is toward the end of the wet season. Lake levels were where they should be. Rookery Bay received 39" of rain through August.

➤ Americans with Disability Act (ADA) Compliance: A few ADA mats at Runaway Lane were being inspected for compliance; Collier Paving will make the repairs.

➤ The Mahogany Bend Force Main Project materials for Championship Drive were pending. Staff will be notified when to send e-blasts in advance of any road closures.

- **Status of Petitions to Revise the CDD Boundary**

The internal team discussed the petitions to revise the CDD boundaries for CDDs #1 and #2 yesterday. Staff was finalizing the documents to send to Mr. Parisi for review and to transmit to Counsel for the State and Mr. Urbancic, Counsel for the County. Mr. Pires stated that the petitions must be presented to the Board.

➤ Traffic Signal Study: The Traffic Consultant was on site last week to observe traffic, or lack of. Mr. Cole suggested delaying the study a couple of months until homeowner occupancy increases and the 7-Eleven opens, which will help justify the need for a signal to the County.

In response to suggestions, Mr. Cole stated he would contact the Traffic Consultant to discuss whether the study included the second entrance and request an updated Methodology Report, as the State and City will require one. Discussion ensued regarding the possibility of the request being denied and instances where a request was denied and then requested again.

SEVENTH ORDER OF BUSINESS**Continued Discussion: US 41 Traffic Signal Agreements**

Mr. Pires stated that the Interlocal Agreement, site plan, First Amendment to the Interlocal Agreement and summary of spreadsheets were emailed to the Board.

Mr. Christensen referred to Page 1, Paragraph 3 of the First Amendment to the Interlocal Agreement for CDD #1 about potentially receiving funds from US Bank to pay for the second light and asked why it did not apply to CDD #2. They received most of the settlement money they claimed; this District did not.

Mr. Pires stated he did not review the minutes as far back as March 2014. Mr. Brougham voiced his opinion that CDD #2 benefitted more than CDD #1 and proposed amending the contract to make sure the traffic light costs, less all contributions from third parties, be split 50/50 by CDDs #1 and #2. Mr. Schmitt felt that the 2013 Agreement parties should be updated and define where the source of funding is coming from and the Agreement with CDDs #1 and #2 should be modified. A Board Member felt that the intention of the Interlocal Agreement was to combine resources for the benefit of Fiddler's Creek homeowners.

On MOTION by Mr. Schmitt and seconded by Mr. Brougham, with all in favor, authorizing Mr. Pires to renegotiate and revise the US 41 Traffic Signal Agreement and amend the funding provisions for the traffic light, as suggested by Mr. Brougham, was approved.

Mr. Brougham referred to Page 3, Paragraph 1 of the Interlocal Agreement dated August 28, 2013 and read the following:

"Fiddlers 1 and Fiddlers 2 agree that each will pay for and be responsible for one-half of the cost of the design, permitting, installation and construction of the S.R.

951 Traffic Signal, and if approved, one-half of the cost of the design, permitting, installation and construction of the U.S. 41 Traffic Signal.”

Mr. Brougham stated that the CDD #1 might have to engage another Attorney, if this is a conflict of interest for Mr. Pires, as he represents both CDD #1 and CDD #2.

EIGHTH ORDER OF BUSINESS

Update: Response to Adamczyk Law Firm, PLLC, Letter Regarding Championship Drive Maintenance Obligations

Mr. Pires stated the response letter suggesting the County take over maintenance obligations was sent to Mr. Adamczyk; updates would be provided upon receipt.

Mr. Brougham opined that, if an Agreement with the County is reached, both CDDs would need to contribute. Bringing the road up to the County standards for the time it was built was discussed. Mr. Pires thought Mr. Locastro was not copied on the letter. Discussion ensued about the County denying the obligation several years ago and an Agreement possibly executed in 1999 or 2000 that The Foundation could not locate. Five parties were thought to be involved.

NINTH ORDER OF BUSINESS

Consideration of Aqua-Matic Irrigation Systems, Inc., Proposal for Replacement and Addition of 2” Brass Irrigation Valves for Championship Drive

Mr. Cole stated that the expense is related to Hurricane Irma and necessary to prevent having to shut down the entire system to work on Championship Drive. Discussion ensued regarding whether purchasing new valves is necessary.

On MOTION by Mr. Brougham and seconded by Mr. Christensen, with all in favor, the Aqua-Matic Irrigation Systems, Inc., proposal for the replacement and addition of 2” brass irrigation valves for Championship Drive, in a not-to-exceed amount of \$11,532, was approved.

Mr. Schmitt stated he wanted the water turned on down Fiddler’s Creek Parkway every morning and the sprinklers in the median do not have to be turned on. Mr. Parisi recommended creating a maintenance plan to extend the life of the valves and prevent failures. Mrs. Adams would send the map identifying the valve locations to Mr. Parisi. Mr. Cole would follow up on the proposal to replace the pipe on Fiddler’s Creek Parkway.

**FIDDLER'S CREEK CDD #1
TENTH ORDER OF BUSINESS**

**September 22, 2021
Acceptance of Unaudited Financial
Statements as of August 31, 2021**

Mr. Brougham presented the Unaudited Financial Statements as of August 31, 2021. The Financial Highlights were distributed in the meeting.

Mr. Christensen welcomed CDD #2 Board Chair Elliot Miller and asked how much CDD #2 has to pay CDD #1 and when it would be paid. Mr. Adams stated that about \$60,000 was received a few months ago and the current expense is related to irrigation supplies, as access control is no longer included.

The financials were accepted.

ELEVENTH ORDER OF BUSINESS

**Approval of August 25, 2021 Public
Hearings and Regular Meeting Minutes**

Mr. Brougham presented the August 25, 2021 Public Hearings and Regular Meeting Minutes. The following change was made:

Line 126: Change "disperse" to "disbursed"

On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, the August 25, 2021 Public Hearings and Regular Meeting Minutes, as amended, were approved.

TWELFTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Item 2, Federal Emergency Management Agency (FEMA) Update: Mr. Adams discussed his conversations with FEMA and State Representative Ms. Joseph. FEMA returned the package to the State, who was clearing up a technicality and submitting the confirmation back to FEMA.

Item 3: Mr. Cole would send an email memorializing the rainfall events related to Tropical Storm Sally, in order to close out this item.

Item 14: Tree replacement was expected to be completed next week.

Mr. Brougham stated he emailed Kenny to request removal of dead palm trees, without tops, between the layers of shrubs at the south side monument entering off 951 to Fiddler's Creek Parkway. Mrs. Adams would tour the area today and discuss with Kenney.

Items 5, 6, 7, 8, 10, 11, 12, 15 and 19 were completed.

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: October 27, 2021 at 8:00 A.M.**

- **QUORUM CHECK**

The next meeting would be held on October 27, 2021.

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

The Field Operations and Financial Highlights Reports were distributed.

In response to a question about deciphering responsibilities for maintaining Marsh Cove Bridge as it is a private road, Mr. Cole stated the CDD is responsible for stonework repairs because the drainage connects to the County canal.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

FIFTEENTH ORDER OF BUSINESS

Public Comments

Mr. Brougham asked if any Landscape Committee activities were underway. Mrs. Adams stated Ms. Benedetti provided her observation reports before the meeting; there was nothing major. Mrs. Adams was asked to discuss becoming more proactive than reactive with Kenny, along with him implementing tours of the property and major roadways and sending reports, photographs and proposals. Ms. Benedetti voiced her opinion that LandCare does an excellent job and completes work orders expeditiously and so does Mrs. Adams.

Mr. Pires retracted his earlier statement and confirmed that the email regarding Championship Drive was sent to Commissioner Lo Castro on September 7, 2021.

SIXTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 9:21 a.m.

J. Arden

Secretary/Assistant Secretary

Mr. J. J.

Chair/Vice Chair