

**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 October 27, 2021 at 8:00 a.m., at The Rookery at Marco Golf Club, Board Room, 3433 Club Center Drive, Naples, Florida 34114. Members of the public were able to participate in the meeting, via Zoom, at <https://us02web.zoom.us/j/83356980751>, or via conference call, 1-929-205-6099, Meeting ID 833 5698 0751 for both.

**Present at the meeting were:**

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
Ron Albeit	Foundation General Manager
Dan Frechette	Fiddler’s Creek Director of Safety
Greg Urbancic	Coleman Yovanovich Koester (CYK)
Meagan Magaldi	Coleman Yovanovich Koester (CYK)
Christina Kennedy (via Zoom)	SOLitude Lake Management (SOLitude)

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Slater called the meeting to order at 8:00 a.m. Supervisors Slater, Badessa, Schmitt and Christensen were present.

Mr. Slater acknowledged Mr. Brougham’s passing and the contributions he made in the community. Mr. Albeit and Aubrey Ferrao were coordinating a ceremony for sometime in December; an e-blast would be sent closer to the date.

**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 – October, 2021: SOLitude Lake Management**

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

- Sites 15, 16, 17, 22, 34, 34A and 34B were treated for patchy shoreline growth last week.
- Sites 14 and 7A received additional treatments last week.

Mr. Christensen asked if Lake 17 was treated for torpedo grass. Ms. Kennedy replied affirmatively and noted treatments were occurred on October 20<sup>th</sup> or 21<sup>st</sup> but were inadvertently omitted on the Report.

**FOURTH ORDER OF BUSINESS**

**Health, Safety and Environment Report**

**A. Irrigation and Pressure Cleaning Efforts – Todd Lux**

**B. Security and Safety Update – Dan Frechette**

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

- Traffic Hawk: The Traffic Hawk connectivity issue on Championship Drive was just resolved; however, they were now working with ISN on the difficulties in extracting the saved data. He hoped to have all the issues resolved today.

Mr. Badessa questioned the effectiveness, if any, of posting a vehicle at Cherry Oaks instead of before the construction entrance. Mr. Frechette stated that the location proved successful in preventing construction trucks from gaining access, as the GPS directs them to that entrance; however, there was another vehicle placed at the dirt road cut-through, just before the construction entrance.

Discussion ensued about whether patrols would be a better use of the vehicle; Mr. Parisi gave the directive to post a vehicle to address resident complaints about speeding construction

trucks and a recent bicycle accident; the reason for having two outbound gates was to confirm that all visitors have left the community. This could be revisited once all development is completed; the only time the second exit gate at Championship Drive is up is when it is raining hard because it does not read the pass.

Mr. Schmitt asked for the status of replacing the valve from Fiddler’s Creek Parkway into Bent Creek. Mr. Cole stated that the project would commence once the water level recedes. Mrs. Adams noted that Aqua-Matic expected to complete the project within the next two weeks, which was reported in the Field Operations Report.

A Board Member recalled that denying access to public roads is prohibited. Mr. Frechette clarified that traffic is being redirected; access is not being denied.

**FIFTH ORDER OF BUSINESS**

**Developer’s Report**

There was no report.

Mr. Albeit stated that Mr. Parisi was given several documents. Mr. Pires stated that Mr. Urbancic would cover those during the Seventh Order of Business.

**SIXTH ORDER OF BUSINESS**

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

Mr. Cole distributed the following Collier Paving & Concrete proposals and recommended approval:

- \$175 to reattach the Americans with Disability Act (ADA) mat at Runaway Lane.
- \$5,358 to replace 56’ of sidewalk at the irrigation main break on Fiddler’s Creek Parkway, east of Championship Drive.
- \$3,234 to remove and replace 30’ of valley gutters at Mulberry Lane due to tree roots rising up and blocking flow.

A Board Member noted that the ADA mat off Fiddler’s Creek Parkway, south of Club Center, needs to be repaired. He asked for all ADA mats to be inspected and repaired if necessary.

A Board Member asked about the situation of directing a homeowner of future liability related to trees on Mulberry, since the CDD does not own them. Mr. Pires stated he would

email the letter that was sent to the homeowner about a year ago to the Board. Discussion ensued regarding liability, HOA, homeowners' obligations to maintain areas in a safe condition, passing a policy resolution and Mulberry homeowners being advised that the CDD does not own the trees. Repairing CDD infrastructure damage attributable to the trees and imposing special assessments on property owners on Mulberry, along with the CDD maintaining sidewalks to prevent trip hazards if the Mulberry proposal is deferred, was discussed. Concerns about proposal prices increasing was discussed. Mr. Pires would work with Mr. Cole and Mr. Adams to review the association documents, determine if the deeds need to be expanded, and make a recommendation at the next meeting.

The \$3,234 proposal to remove and replace 30' of valley gutters at Mulberry Lane due to tree roots rising up and blocking flow was deferred to the next meeting.

**On MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, \$175 Collier Paving & Concrete proposal to reattach the ADA mat at Runaway Lane, and the \$5,358 Collier Paving & Concrete proposal to replace 56' of sidewalk at the irrigation main break on Fiddler's Creek Parkway, east of Championship Drive, was approved.**

Mr. Cole stated that Mr. Frechette would attend the Mahogany Bend Force Main project pre-construction meeting this Friday. He showed the maintenance and traffic plan the contractor prepared for the three-day road closure, discussed the scope of work and noted Staff would be given at least one week notice when the pipe is installed in early December. A one-day closure would be necessary a few months later to mill and resurface, once construction is completed.

An e-blast would be sent to residents, in advance of any road closures.

Mr. Cole requested a change order to the Aqua-Matic irrigation repair proposal, as they connected four additional lines along Championship Drive that were discovered while on site repairing the other 18 locations.

**On MOTION by Mr. Slater and seconded by Mr. Christensen, with all in favor, the Aqua-Matic Irrigation Systems, Inc. Change Order for repairs to four additional irrigations lines, at \$961 each, in a not-to-exceed total amount of \$3,844, was approved.**

## **SEVENTH ORDER OF BUSINESS**

### **Consideration of Certain Documents Related to the Boundary Amendment**

Mr. Pires presented documents related to the Boundary Amendment, which Mr. Urbancic prepared, and included Mr. Pires' edits. Once approved, the CDD #1 Petition would be sent to the Florida Land and Water Adjudicatory Commission (FLWAC) and then to the Governor and Cabinet; the process is similar to the last time. The CDD #2 Boundary Amendments must be submitted to the Board of County Commissioners. Mr. Cole reviewed the legal descriptions for accuracy.

Mr. Urbancic stated that Resolution 2021-06 authorized proceeding with the Boundary Amendment and then submitting the Petition to the appropriate parties. He reported the following regarding the Petition and relevant Exhibits:

- The Petition was in final form for Board review before it is submitted for approval.
- Resolution 2021-06 was unchanged since it was approved, except for minor adjustments to the acreage by Mr. Cole, which resulted in expanding the boundary by adding three land areas totaling 11.87 acres and contracting out three land areas totaling 38.50 acres, for a net contraction of 26.64 acres.
- Staff would advertise a public hearing for CDD #1 for next month.
- The overall boundary of CDD #1, after the amendment, would be 1,316.31 acres, resulting in 26.64 acres going into CDD #2.
- CDD #1 could issue bonds and levy assessments on the new property, if it chooses.

In response to a question, Mr. Urbancic stated that the Statement of Estimate Regulatory Costs (SERC) was included only to cite the Statute and breakdown the individual components.

Regarding what the Developer was choosing to do with the Land Area 3, described as "Land From CDD #1 to Future Development" on the map, and if they could form a third CDD or

eventually include it in CDD #1, Mr. Urbancic replied affirmatively and stated that the “Estancia” area could eventually become part of CDD #1 but that was not yet determined.

Discussion ensued regarding it being the Developer’s decision about whether the future development in CDD #1 could become a future CDD, statutory requirements and the maximum net cumulative net bases needed to expand the CDD.

**On MOTION by Mr. Schmitt and seconded by Mr. Slater, with all in favor, the Petition and authorizing execution and filing of the necessary documents related to the Boundary Amendment, was approved.**

**EIGHTH ORDER OF BUSINESS**

**Discussion: Championship Entry Monument Sign**

Mrs. Adams stated that Mr. Brougham included this on the agenda because she informed him of a CDD #2 Board Member advising her that a neighbor wanted the Championship entry monument sign changed because they did not like it.

**NINTH ORDER OF BUSINESS**

**Continued Discussion: US 41 Traffic Signal Agreements**

Mr. Pires stated that he was not participating in discussions on this matter, due to the dispute between CDDs #1 and #2, as it would be a conflict of interest. Mr. Adams stated he would mention to CDD #2 the suggestion to schedule a joint meeting with both CDDs to discuss the matter. If CDD #2 agrees, he would schedule a half-hour joint meeting for December.

**TENTH ORDER OF BUSINESS**

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

Mr. Pires stated no response to his letter was received. The consensus was to let this matter rest and remove this item from future agendas.

**ELEVENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of September 30, 2021**

Mr. Slater presented the Unaudited Financial Statements as of September 30, 2021. The Financial Highlights Report was distributed during the meeting. The financials were accepted.

**TWELFTH ORDER OF BUSINESS**

**Approval of September 22, 2021 Regular Meeting Minutes**

Mr. Slater presented the September 22, 2021 Regular Meeting Minutes.

Mr. Christensen referred Line 89 and asked Mr. Cole about the status of identifying whether the Publix sign was installed to code, due to line-of-sight issues. Mr. Cole stated he inspected the area and, in his opinion, it is fine but he would refer this to GradyMinor, the designer, to respond.

The following changes were made:

Line 79 and throughout: Change "Lo Castro" to LoCastro"

Line 90: Delete "A box of"

Line 99: Change "in" to "through"

Line 176: Insert "Creek" after "Fiddler's"

Line 220: Delete "to"

**On MOTION by Mr. Schmitt and seconded by Mr. Slater, with all in favor, the September 22, 2021 Regular Meeting Minutes, as amended, were approved.**

**THIRTEENTH ORDER OF BUSINESS**

**Action/Agenda or Completed Items**

Item 9 was completed.

**FOURTEENTH 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: December 8, 2021 at 8:00 A.M.**
  - **QUORUM CHECK**

The next meeting would be held on December 8, 2021.

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

The Field Operations Report was distributed. Mrs. Adams reported the following:

- Trimmers Holiday Decor informed her that there would be a 6% increase to the final invoice, due to massive cost increases to include shipping, fuel and merchandise. This resulted in a \$990 increase to the contract.
- Fountain Maintenance: Sweetwater Pool Service reported a price increase due to increases in costs for fuel and chemicals. This resulted in a \$900 increase per year. The contract went from \$11,400 to \$12,300 per year.

Discussion ensued regarding amending or changing a contract before approving an increase due to material cost increases, unless it is already built into the contract. Mrs. Adams stated that she renewed the contracts that were up for renewal and noted that Sweetwater Pool Service had not requested an increase since they were engaged in January 2018.

Mrs. Adams was asked to provide the cost to repair the irrigation mainline break, noted in her Report, and ask LandCare to trim the sea grapes growing into the sidewalk along Fiddler's Creek Parkway, Mulberry and Championship Drive.

Mr. Cole stated he would be obtaining quotes to proceed with repairs via two methods. He noted that the pipe was repaired seven times. He would discuss whether installing pressure relief valves is an option, similar to what the County did, to prevent another hammer incident.

**FIFTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. Christensen asked if the Board needs to appoint another Supervisor. Mr. Pires discussed the guidelines. Mrs. Adams was asked to send a standard Board vacancy letter announcement to Mr. Albeit to e-blast to residents, after the celebration of life for Mr. Brougham on December 2, 2021, and include responses in the January agenda.

**SIXTEENTH ORDER OF BUSINESS**

**Public Comments**

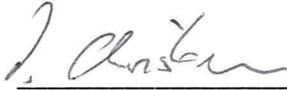
There were no public comments.

**SEVENTEENTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned at 9:12 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair