

**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 Public Hearing and Regular Meeting on January 26, 2022 at 8:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114. Members of the public were able to participate in the meeting at 1-888-354-0094, Participant Passcode: 709 724 7992.

Present at the meeting were:

Robert Slater	Vice Chair
Joseph Badessa	Assistant Secretary
Joseph Schmitt	Assistant Secretary
Torben Christensen (via telephone)	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Greg Urbancic (via telephone)	Coleman Yovanovich Koester
Russ Weyer (via telephone)	Real Estate Econometrics
Silvia Alderman (via telephone)	Akerman Law Firm
Kenza van Assenderp (via telephone)	van Assenderp Law
Joe Parisi	Developer’s Counsel
Ron Albeit	Foundation General Manager
Todd Lux	Fiddler’s Creek Director of Facilities
Richard Renaud	Fiddler’s Creek Security
Christina Kennedy	SOLitude Lake Management (SOLitude)
Dennis Bretz	LandCare
Chad Mitchell	LandCare
Paula Carlson	Hawk’s Nest Board Member
Shannon Benedetti	Resident
Frank Weinberg	Resident
Rob Richards	Resident
Court Reporter	

**THE FOLLOWING PORTION OF THE MINUTES
ARE THE
COURT REPORTER VERBATIM TRANSCRIPTION**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

PUBLIC HEARING ON PETITION TO AMEND THE
FIDDLER'S CREEK COMMUNITY DEVELOPMENT DISTRICT # 1

BEFORE THE BOARD OF SUPERVISORS

BOB SLATER - CHAIRMAN

JOE SCHMITT - BOARD MEMBER

JOE BADESSA - BOARD MEMBER

TORBEN CHRISTENSEN - BOARD MEMBER

CHUCK E. ADAMS, JR. - DISTRICT MANAGER

CLEO ADAMS - ASSISTANT DISTRICT MANAGER

ANTHONY PIRES, ESQUIRE

January 26, 2022

8:00 a.m. until 8:54 a.m.

PROCEEDINGS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. SLATER: Good morning, everyone.

I'm going to call to order the meeting, CDD Number 1 meeting.

It's not going to be to the agenda that you see right there. We're going to do a little bit of changing, but first thing is, are there any public comments?

MS. ADAMS: Yes, sir. I have public --

MR. SLATER: Oh, excuse me. Maybe we should find out who's on the phone.

MS. ADAMS: Also, Torben is on the phone, so we'd look for a motion authorizing attendance and full participation due to exceptional circumstances.

Second?

MR. SCHMITT: Second.

MS. ADAMS: All in favor?

MR. SCHMITT: Aye.

MS. ADAMS: Motion passes.

Thank you very much.

Public comment non-agenda items: I have Rob Richards of 4630 Hawks Nest, and he wants to talk about the Champion Gate House.

MR. SLATER: I would like to hold that one off until later because there's going to be a little

1 more discussion on it, if you don't mind. I'd like
2 to hold that one off.

3 MS. ADAMS: Okay. And the second one is
4 Shannon Benadetti (phonetic) wants to talk about
5 Hawks Nest non-agenda item.

6 MR. SLATER: That's the same subject, I
7 presume? No?

8 MS. ADAMS: Would you like to hold it off
9 to --

10 MR. SLATER: Is it going to be short?

11 MS. BENADETTI: No. It's about, you know,
12 where the wall is placed and --

13 MR. SLATER: That's going to be a long one.

14 MS. BENADETTI: No, it's not a long one.
15 It's a short one.

16 MR. SLATER: Am I speaking about a
17 resolution arrangement?

18 MS. BENADETTI: Yeah.

19 MR. SLATER: Okay.

20 MS. BENADETTI: Cleo is taking care of it,
21 some of it.

22 MR. SLATER: Okay.

23 MS. BENADETTI: Okay. So I'm with Paula
24 Carlson. She's on the board at Hawks Nest and we got
25 a couple issues. One, where the wall was actually

1 built next to the security house over there. It went
2 through the property line, and so part of the
3 ownership of CDD is on the Hawks Nest side. And we
4 have maintenance issues, so I go over there to check
5 as part of the landscape committee. And I went to
6 Paula. So we had a lot of issues there. We had a
7 lot of debris, dead things, plants that need to be
8 replaced, and Cleo is taking care of all of that. I
9 sent you that e-mail. That's on her list already.

10 The other issue is Paula wants to talk
11 about a utility box there, and it has to do with
12 their irrigation issue, and it -- it belongs to both
13 of you.

14 So Paula.

15 MS. CARLSON: Sure.

16 Thank you for your time today. Appreciate
17 it.

18 This is kind of a problem that's been
19 happening since Irma. So there is ir- -- it's about
20 irrigation, and as there is an irrigation box -- and
21 Cleo, I know that we talked about this through
22 e-mail, and Land Care was supposed to deal with it,
23 but it has not been accomplished yet.

24 There's an irrigation box that controls
25 part of our land that goes along that fence by that

1 sewage treatment plant. It's a battery-operated
2 irrigation valve, and so the battery never gets
3 changed, and we never get any water. We had asked
4 that that be cut off so you control yours; we control
5 ours.

6 Kenney from Land Care was supposed to get
7 this accomplished back in August, September. We were
8 told that it was done, and during a recent audit of
9 our irrigation system, our landscape company
10 determined that it, in truth, hasn't happened yet,
11 and so we're relying on your water to water our side.

12 MS. ADAMS: That's -- actually that's a
13 Jody Bennett -- that's a Jody Bennett thing.

14 MS. CARLSON: That would be awesome.

15 MS. ADAMS: Yep. Yep.

16 MS. CARLSON: Perfect. We appreciate it.

17 And thank you for taking care -- Cleo, the
18 plants were planted. And, Shannon, they must have
19 been planted just within the last couple days. I did
20 a walk last night. We appreciate that.

21 MS. ADAMS: Okay.

22 MS. CARLSON: We also would like to make
23 sure we're on a regular maintenance schedule.

24 MS. ADAMS: Yes, you should be.

25 MS. CARLSON: Okay. And if we aren't, I'll

1 just let Shannon know.

2 MS. ADAMS: Let me know, and the man in
3 charge is right over there in that corner, so --

4 MS. CARLSON: Okay. All right. Great.
5 Thank you.

6 MS. ADAMS: Land Care just heard you,
7 so . . .

8 MS. CARLSON: Thank you.

9 MS. ADAMS: Thank you.

10 MR. SLATER: Now, the other gentleman,
11 then, I guess, is that on the same side?

12 MS. ADAMS: No. His is under the public
13 hearing.

14 MR. SLATER: Okay.

15 MS. ADAMS: So he'll get to speak under the
16 public hearing on that.

17 I -- I don't have anything additional.

18 MR. SLATER: We're going to go to Item
19 Number 7.

20 MS. ADAMS: Oh, wait. You wanted to let
21 Dennis --

22 MR. SLATER: Oh, introduce --

23 MS. ADAMS: Dennis, you want to come and
24 introduce yourself with Land Care, please?

25 MR. BRETZ: Hi. Good morning, everybody.

1 Appreciate the opportunity to show up at the meeting
2 and introduce myself. My name is Dennis Bretz. I'm
3 the branch manager with Land Care. Our previous
4 branch manager left, I think, back in October. I
5 have 28 years in the landscape industry. 15 or 16 of
6 that is here in the state of Florida, both West Coast
7 and East Coast.

8 Been working with Cleo, out of the 12 years
9 that I've been here on the West Coast, previously on
10 another site, for about seven years, so I'm fully
11 aware of the expectations and what we need to do here
12 in Fiddler's Creek, CDD-1. So I just appreciate the
13 opportunity to introduce myself.

14 In relation to Hawks Nest, you're right,
15 the irrigation fell through the cracks. It's being
16 addressed this morning.

17 MS. CARLSON: Awesome.

18 MR. BRETZ: So it should be done by the end
19 of the day.

20 MS. ADAMS: Good. We have that on record.

21 MR. BRETZ: I also want to introduce Chad
22 Mischel. Chad is our production manager. Previously
23 you may have known Kenny Flage, who is no longer with
24 us. Kenney left at the end of December.

25 The fortunate thing is is that Chad was

1 Kenney's partner down here for many years, and Chad
2 understands the property. He ran all the production.
3 He knows what we need to do down here, so everything
4 will continue to -- to move along.

5 And I'm in the process -- I think Cleo and
6 I have had 30, 40 e-mails back and forth over the
7 last couple of weeks, so I'm getting caught up on
8 everything, and I want to assure you that we'll get
9 everything -- anything that's falling through the
10 cracks addressed as soon as possible.

11 So, again, thank you for your -- for the
12 time.

13 MR. SLATER: Thank you.

14 MR. BRETZ: Thank you.

15 MR. BADESSA: A question: That e-mail we
16 received -- Shannon, we got an e-mail from the
17 committee. I guess we were all copied on that, the
18 CDD --

19 MS. ADAMS: I would have forwarded it over
20 to you.

21 MR. SCHMITT: Yeah. I'm assuming that
22 that's all being taken care of then?

23 MS. ADAMS: Yes.

24 MR. SCHMITT: All right.

25 MS. ADAMS: He's -- he's addressing those

1 items.

2 MR. SCHMITT: All right. So it's a --

3 MS. ADAMS: Along with lots of others --

4 MR. SCHMITT: -- non-issue and overcome by
5 events, meaning it's being taken care?

6 MS. ADAMS: Yes.

7 MR. SCHMITT: All right. Those are nice
8 pictures anyway.

9 MS. ADAMS: Oh, great reports they put
10 together.

11 MR. BRETZ: Yeah, so that report that was
12 sent out, we addressed quite a few things on there.
13 We have replaced a lot of Bougainville throughout. I
14 know there's still some more that we're working on.

15 MS. ADAMS: There is --

16 MR. SCHMITT: My compliments to the
17 committee for the perseverance --

18 MS. ADAMS: Oh, yeah. Great --

19 MR. SCHMITT: -- and attentiveness.

20 MS. ADAMS: -- great reports.

21 MS. BENADETTI: Can I make a comment?

22 Our committee right now, you know, we work
23 for Ron, we're volunteers under Ron with his group,
24 but we are -- we have dedicated to different areas
25 now. There are five of us. And so I have CDD 1. I

1 have the properties up there.

2 MS. ADAMS: 2.

3 MS. BENADETTI: And so we are making our
4 reports and sending it to Cleo. So you will see
5 there are three of us that actually are kind of
6 working for Cleo, and we have two that are handling
7 the club and working with Todd. So it gives us a
8 little bit more diligence, and it gives us the
9 opportunity, then, to give her our list directly.

10 MR. SCHMITT: Okay.

11 MS. BENADETTI: I think it will help.

12 MR. SCHMITT: Well, I have an issue on
13 landscape, but I'll bring it up later because it has
14 to do with with the foundation -- or the -- actually
15 with the developer, and when -- when Ron speaks, I'll
16 bring it up then.

17 MR. SLATER: Okay. That's it.

18 MS. ADAMS: Thank you, Dennis.

19 MR. Bretz: Okay. Thank you.

20 MR. SLATER: Thank you, Dennis.

21 We can go to Item Number 7 and --

22 MR. PIRES: Oh, Mr. Chairman.

23 MR. SLATER: -- if you want to start this.

24 Mr. PIRES: Mr. Chairman, what I would
25 suggest first is that -- have the board approve the

1 agenda and move item -- Agenda Item 7 up to the next
2 agenda item for -- the public knows what that item is
3 also.

4 MR. SLATER: Make a motion --

5 MR. SCHMITT: Second.

6 MR. SLATER: All in favor?

7 MR. SCHMITT: Aye.

8 MR. BADESSA: AYE.

9 MR. PIRES: Thank you.

10 MR. ADAMS: This item has been officially
11 moved, and this is the public hearing on the petition
12 to amend the Fiddler's Creek Community Development
13 District Number 1 boundary. The purpose of the
14 public hearing is to determine whether to recommend
15 that the petition be granted and to prepare a report
16 and conclusions to be sent to the Florida Land and
17 Water Adjudicatory Commission, also known as FLWAC,
18 which consists of the Florida Governor and cabinet.

19 On the phone today we have Ms. Silvia
20 Alderman, Mr. Kenza Van Assenderp, and I believe
21 Mr. Russell Weyer.

22 And at this point I'll turn this over to
23 Silvia to open up the FLWAC considerations.

24 MR. PIRES: Greg Urbancic, is he on the
25 phone also?

1 MR. ADAMS: That I have no idea. Is Greg
2 on the phone?

3 UNIDENTIFIED SPEAKER: Greg is on the line,
4 yes.

5 MR. URBANCIC: Yes, I am.

6 MR. ADAMS: Okay. Greg is on the phone as
7 well, and Megan Magaldi is also with us in person.

8 MR. PIRES: Yeah, and for the record, Greg
9 Urbancic is special counsel to the district along
10 with his -- the law firm, and Megan, to assist in the
11 processing, filing of the petition to amend the
12 boundaries.

13 MR. ADAMS: Silvia?

14 MS. ALDERMAN: Yeah. Good morning.

15 Silvia Alderman with Akerman Law Firm.

16 It's a pleasure to be here by phone. Sorry I
17 couldn't be there in person with you.

18 Greg, is Terry Cole present?

19 MR. COLE: Yes. Good morning.

20 MS. ALDERMAN: It's my understanding that
21 Terry is going to begin our presentation by
22 addressing the petition.

23 MR. PIRES: And -- and, Mr. Chairman, I
24 think -- Chuck, I don't know if you read the other
25 part, the copy of the agenda.

1 For the record, the copy of the agenda is
2 available in the back of the room, and the first item
3 is this opportunity for, you know, comment on this
4 item. And also a copy of the petition is available
5 by the sign-up sheets at the front of the room.

6 MR. ADAMS: It is.

7 Mr. Cole?

8 MR. COLE: Good morning.

9 I am the district engineer for CDD Number 1
10 and Number 2, and have worked on Fiddler's Creek
11 since the beginning back in the early '90s. And we
12 have made, over the years, a few different boundary
13 revision changes based on the land plan changing, and
14 this is another land plan change that we worked with
15 the developer on for the last year and a half or so
16 preparing these documents.

17 These maps were presented to the CDDs back
18 last year in the fall, and so this is just really
19 revisiting information that's been shared, but
20 nevertheless, I'll go through this.

21 There are some changes to the land plan
22 within this area along the current CDD 1.

23 Thank you, Joe. Appreciate it. Thank you.
24 I don't see it. Trying to get the clicker working.

25 MR. SLATER: Having problems here with

1 the --

2 MR. COLE. There it is. This we go.

3 Okay. This is the -- the current CDD
4 boundary right here, and I -- I'll show a blowup of
5 this plan on the next one in a minute, but this shows
6 all of Fiddler's Creek development here. You've got
7 District 1 that is generally this shape, and District
8 2 with -- with this shape with the yellow boundary.
9 And --

10 MR. SCHMITT: Terry, can I interrupt to
11 just make sure Torben on the phone is aware --
12 Torben, we're on the Figure 1 of those three figures
13 that were at the end of the document.

14 MR. CHRISTENSEN: Okay. Got it.

15 MR. SCHMITT: Okay.

16 MR. COLE: Chuck, if you could go to the --
17 to the next page. Thank you.

18 This -- this shows the detailed view of
19 what's proposed in the changes and, unfortunately,
20 this part over here got cut off, but I -- I can read
21 it from my copy.

22 MS. ADAMS: There you go.

23 MR. COLE: Okay. There we go. Thank you.

24 So, as I mentioned, this -- this line right
25 here, the dashed blue line and yellow line is the

1 present CDD boundary line between CDD 1 and 2. And
2 the land plan changes are shown here. There -- there
3 are a few -- some future lots and right-of-way here
4 in the Hidden Cove area, and this is the revised land
5 plan. And so in order to fit in that revised land
6 plan, what's proposed is that several land area
7 changes will be made, and I'll go through -- through
8 those individually.

9 So presently, CDD 1 has 1342.95 acres, and
10 what's proposed is 1316.31 acres. A net change of
11 minus 26.64 acres. And what changes are being made
12 consists of that Land Area 1 -- this larger land area
13 here of 34.97 acres is -- is coming out of CDD 1 and
14 going into CDD 2.

15 In addition, Land Area 3, which is over
16 here, presently it is not -- it's not located within
17 -- within either district, but it is proposed that
18 that land area would come into CDD 1.

19 UNIDENTIFIED SPEAKER: How big is that?

20 MR. COLE: And that's 10.94 acres.

21 And then we've got a few minor ins and outs
22 down here. We've got Land Area 4 is coming out.
23 That's minus 1.73 acres. We've got Land Area 5
24 coming out. That's minus 1.8 acres. We've got Land
25 Area 6 of -- of .79 acres that's coming into CDD 1.

1 And then, lastly, we've got Land Area 7 of .14 acres
2 coming into CDD 1. The net change of all those is --
3 is 26.64 acres as far as the -- the net.

4 Now, the reason for these changes, as I've
5 explained, is the land area is -- the land plan has
6 changed, and it's important to capture, for ownership
7 and maintenance purposes, these land areas within
8 District 1 so that we can have proper maintenance
9 overall.

10 Now, the reason for some of these minor
11 changes down in this area is we have a future
12 development area here to the east of CDD 1, and so
13 with the land plan changes, these changes are being
14 made so that -- that these areas 4 through 7 are
15 either coming into or out of CDD 1 to match the land
16 plan and make sense with the future maintenance.

17 Now, I'll also mention that presently the
18 -- the Land Area 1, you can see up here, there are a
19 few different lakes that are existing, and these
20 lakes are going to be modified such that some of them
21 are going to be filled in, and then this long lake
22 here will be created to replace the lake areas that
23 are being filled in.

24 So the developer is going to be paying for
25 all of those improvements, and it's possible that a

1 future bond might be created to pay for those
2 improves or to reimburse the developer for those
3 improvements, but those bonds would be assessed on
4 future lots, not on any current lots. And then some
5 of -- some of this work would be put into CDD Number
6 2. So it would not be affecting CDD Number 1.

7 MR. SCHMITT: Terry, I have a question.

8 MR. COLE: Yes.

9 MR. SCHMITT: Two meetings ago, we -- we
10 had a map that somewhat, I believe, indicated that
11 both CDD 1 and CDD 2 would be given up land and that
12 would be all tied to what is called future
13 development. So Hidden Cove is not part of either
14 CDD 1 or CDD 2, but it will be separate. That's why
15 you have that little pipe stem running north/south
16 behind what is identified as the -- that blue area to
17 connect, and then that would all be separated and
18 become part of the future development.

19 Is that not the case?

20 MR. COLE: Hidden Cove --

21 MR. SCHMITT: So -- so to be clear, you're
22 saying that the orange is going to go to CDD 2, but
23 isn't -- aren't both districts giving up land so that
24 it becomes a separate development?

25 MR. COLE: I'll address that. So --

1 MR. SCHMITT: Okay.

2 MR. COLE: The Hidden Cove area right now,
3 with the new land plan, part of it is in CDD 2 --

4 MR. SCHMITT: Yes.

5 MR. COLE: -- and part of it is presently
6 in CDD 1. We're going to take land area out of CDD 1
7 so that all of Hidden Cove is in CDD 2.

8 The -- the only portion -- the stovepipe
9 here to the east of the future driving range, that's
10 the only portion that is not going to be in District
11 1 or District 1. Hidden Cove will be in District 2.

12 UNIDENTIFIED SPEAKER: That's correct.

13 MR. SCHMITT: Well, that's not what I asked
14 you before the meeting, so . . .

15 Can I ask --

16 MR. PIRES: What -- what I -- what I would
17 suggest is that if we can let Terry do his
18 presentation, answer the questions. Then if there
19 needs to be any clarification from the developer, I
20 think that might be separate.

21 MR. SCHMITT: Well, I appreciate that,
22 Counsel, but I'm going to ask the questions anyway.

23 MR. PIRES: Okay.

24 MR. SLATER: Well --

25 MR. SCHMITT: Because I need -- sorry, Bob.

1 I need to have this cleared.

2 MR. SLATER: Can we wait until he finishes
3 then, please?

4 MR. SCHMITT: All right. I'll wait.

5 MR. SLATER: Thank you.

6 MR. COLE: Okay. The only other thing I
7 was going to mention is -- is, like I said, Land Area
8 1 is the area that has most of the existing
9 infrastructure that may be impacted. And as I -- as
10 I said, the water management within Land Area 1 will
11 be modified and addressed through permitting through
12 the South Florida Water District and Collier County,
13 and the net impact to the water management system
14 will be no changes.

15 Now, there also -- this Land Area 2 that
16 will be going into CDD 2, there's -- there's no
17 development in there presently. Land Area 3, that
18 area's been cleared and filled, but there's no
19 development in there presently. It will become a
20 future driving range.

21 And then Land Area four contains an
22 existing lake. That -- that will be taken out of CDD
23 1 and going into future development area. And then
24 Land Area 6 is presently part of the golf course, and
25 that will be going into CDD 1. Land Area 5 is coming

1 out of CDD 1 and going into future development.

2 There is presently a golf course tunnel
3 here with an embankment that -- that has been placed
4 many years ago coming up over that golf course
5 tunnel, and so from this point to the east, that area
6 would be included in the future development for
7 future roadways, utility extensions, and drainage.
8 And then Land Area 7 is a small little piece of a
9 golf course that's being added into CDD 1.

10 So that's a summary of the existing
11 infrastructure and the proposed land area changes.

12 And -- and with that, I'll entertain any
13 instructions questions.

14 MR. SCHMITT: So then what is the purpose
15 of that pipestem then. I -- I don't -- I don't
16 understand --

17 MR. COLE: This -- this is --

18 MR. SCHMITT: Somehow it wants to add
19 conductivity to what?

20 MR. COLE: This -- this is shown for the
21 purposes of planning to show that you -- future
22 utility extensions, if necessary, would be run
23 through this stovepipe area.

24 MR. SCHMITT: Okay. So any bonds that are
25 going to be floated for what is termed to be -- what

1 you stated as Hidden Cove, will be now part of CDD 2?

2 MR. COLE: Correct.

3 MR. SCHMITT: To include the bridge or
4 anything that is going to be constructed there at the
5 end of . . .

6 MR. COLE: At the end of Club Center,
7 that's correct.

8 MR. SCHMITT: Yeah, Club Center.

9 MR. COLE: That's correct.

10 MR. SLATER: Let's just --

11 MR. SCHMITT: Well --

12 MR. SLATER: I'm sorry.

13 MR. SCHMITT: -- two meetings ago, one of
14 the enclosures we got kind of tied that all together
15 as future development. That is not the case then?

16 MR. COLE: I don't recall these documents
17 ever showing that.

18 MR. SCHMITT: Okay. I don't have that
19 document with me, but it was two meetings ago. It
20 was part of the handout. That's why I was confused.

21 Thank you.

22 UNIDENTIFIED SPEAKER: Joe, if I could --

23 MR. PIRES: Mr. Chairman. Mr. Chairman,
24 what I would suggest, anybody who speaks identify
25 themselves because this is being transcribed by the

1 court reporter.

2 So, Mr. Parisi (phonetic)?

3 MR. PARISI: Joe Parisi with the developer.

4 The -- the -- the only -- and I think since
5 the first presentation the only person -- the -- the
6 boundary modification was to slide all of Hidden Cove
7 into one CDD. So it was just moving that borderline
8 up to -- to -- to match the property development.

9 MR. SCHMITT: Okay. I understand that.
10 That makes sense.

11 MR. PARISI: Yeah.

12 MR. SCHMITT: No question.

13 MR. PARISI: Sorry about that.

14 MR. SCHMITT: I just was kind of confused
15 because I saw it as tying it together with future
16 development, and that's not the case. It's part
17 of --

18 MR. PIRES: Terry, if you could --

19 MR. SCHMITT: It's part of CDD 2.

20 MR. PIRES: -- if you could articulate your
21 answer. I think you said no to the last question by
22 Schmitt. The court reporter cannot take down nods or
23 shakes or grunts.

24 MR. COLE: The answer is no --

25 MR. PIRES: Thank you.

1 MR. COLE: -- Hidden Cove is part of CDD 2
2 and not future development.

3 MR. SCHMITT: Okay.

4 MR. SLATER: Any other questions?

5 MR. BADESSA: I have one.

6 MR. PIRES: After Mr. Badessa.

7 Mr. -- Mr. Chairman, if I may.

8 Terry, for the record, you've been pointing
9 to a map, an exhibit, that's been up on the screen
10 using a laser pointer. Is that the same document
11 that is Exhibit Number 8, the map of contraction
12 areas and contraction areas attached to the Petition
13 to Amend the Boundaries of Fiddler's Creek CDD Number
14 1?

15 MR. COLE: Yes.

16 MR. PIRES: Thank you.

17 MR. DELCO: My -- my name is Alfred Delco.
18 I'm in Montro.

19 I was not here for the meeting two meetings
20 ago, but I did see that the public notice in the
21 Naples News adding and subtracting acreage. And I
22 see that we have involved the district manager, the
23 district counsel, the special counsel, and district
24 engineer to prepare the final report, and I'm sure
25 there's going to be a financial impact.

1 In the public notice it said, If you are
2 interested in further information, financial
3 information of the financial impact, you had to go to
4 Tallahassee to find out that information.

5 Shouldn't that information be available
6 here on site?

7 Thank you.

8 MR. SLATER: The entire cost of this
9 project is going to be borne by --

10 MR. PARISI: That's by -- Joe Parisi again,
11 for the record.

12 That was part -- in our first meeting, as
13 you recall, we'd gone through a number of agreements.
14 One of those agreements was the funding of all this
15 operation, and that's through us, through the
16 developer.

17 MR. SLATER: Anything else on this?

18 MR. PIRES: Silvia, if you may, I think --

19 MS. ALDERMAN: Yeah.

20 MR. PIRES: -- I think what the gentleman
21 -- I think the gentleman that just commented was
22 referring to the ability for a person to obtain the
23 statement of estimated regulatory cost, that it's
24 available for Land and Water Adjudicatory Commission,
25 and that's something -- if you can address that, that

1 that's something that is in conformance with the
2 Florida statutes for this process.

3 MS. ALDERMAN: Yes. And I understand
4 there's a copy of it available locally, that you
5 don't have to go to the Governor's cabinet offices to
6 see that. It's attached to the petition, isn't it?

7 MR. PIRES: Yes.

8 MR. DELCO: And do you know where that is?

9 MR. PIRES: A copy of the petition is up at
10 the front of the boardroom today. It's available by
11 the sign-up slips. And the statement of estimated
12 regulatory cost is attached to the petition.

13 And for reference purpose, to make it
14 easier to review it, it is Exhibit Number 7 to the
15 statement of estimated regulatory costs that's
16 attached to the petition.

17 MR. SCHMITT: We have Mr. Russ Weyer on the
18 phone.

19 Russ did the study. Can he make a public
20 statement?

21 MR. PIRES: He -- he will. We have a
22 few --

23 MR. ADAMS: Sure. When we get to that
24 point.

25 MR. SCHMITT: Okay.

1 MR. PIRES: Right. In the meeting book is
2 the outline for the hearing, and that will happen,
3 yes.

4 MR. ADAMS: I also want to --

5 MS. ALDERMAN: And I think it's my turn,
6 maybe, or -- or are we still taking public comments?

7 MS. ADAMS: Yeah. Real -- real quickly,
8 and just for the record, I do want to make a note on
9 the record that today's public hearing was properly
10 noticed, and there's copies of the newspaper notice
11 included in the agenda and also as a part of the
12 petition.

13 MR. SCHMITT: Do we also have to make it a
14 public notice that the -- the Governor's cabinet
15 delegated this to us.

16 MR. ADAMS: Today is your required local
17 public hearing on it.

18 MR. PIRES: And -- and I think Silvia
19 and/or Ken will get into the fact, or maybe Greg, and
20 we will later on with regards to the County
21 Commission waiving the opportunity to have the
22 optional local public hearing and that this board is
23 conducting that hearing.

24 And, again, the chair previously opened the
25 public hearing formally, and Terry made his first

1 presentation.

2 So I think it is either Ken's or Silvia's
3 time if that's appropriate, Mr. Chairman.

4 MR. ADAMS: I think we're at Item 6.

5 MR. SLATER: Ken or Silvia, either one?

6 MS. ALDERMAN: Yeah.

7 MR. VAN ASSENDERP: Go ahead, Silvia.

8 MS. ALDERMAN: Thank you.

9 Once again, good morning. And once again,
10 for the court reporter, this is Silvia Alderman with
11 Akerman Law Firm.

12 Ken Van Assenderp and I will be reviewing
13 for you the communications that we have had on behalf
14 of the Florida Land and Water Regulatory Commission,
15 which is called FLWAC for short. We will also review
16 the statutory factors that the FLWAC will consider
17 when it takes up the petition.

18 And as was discussed just a few moments
19 ago, this meeting is being held on behalf of FLWAC so
20 that you can address this petition at the local level
21 and make a recommendation to FLWAC and the actions
22 that they will take.

23 And so your public hearing is being
24 transcribed by a court reporter and the transcript of
25 that hearing will be provided to the Governor's

1 cabinet.

2 So first let's review the communications
3 that we have had with FLWAC. The petition that is
4 before you today was filed on November 18th, 2021.
5 Ken Van Assenderp and I met with the clerk of FLWAC
6 on November 22nd, 2021. The clerk's name is Barbara
7 Leighty, L-E-I-G-H-T-Y, for the court reporter.
8 Mr. Terry Cole, the district engineer, joined us by
9 phone.

10 The key elements of the petition were
11 reviewed with Ms. Leighty by the three of us, and we
12 went over the procedure for action before FLWAC.

13 Subsequent to that meeting, we received
14 correspondence from Chris Spencer, secretary of FLWAC
15 or Barbara Leighty as follows:

16 On December 3rd, 2021, we received a
17 certification that all required elements as
18 referenced in Section 190.046 of the Florida statute
19 are contained in the petition, and the letter
20 requested that this particular public hearing be
21 held.

22 On December 3rd, 2021, a copy of a letter
23 to the Department of Economic Opportunity, which I
24 will refer to here as DEO, was sent by FLWAC
25 requesting its review of the petition.

1 On December 15th, 2021, we received a copy
2 of a letter from the DEO to FLWAC noting that DEO had
3 reviewed the petition and does not identify any
4 potential inconsistency, which after 163 Part 2
5 Florida statutes, or that Collier County
6 Comprehensive Plan.

7 On January 14th, 2022, a copy of the notice
8 of receipt of petition was published in the Florida
9 administrative register on January 12th. The letter
10 -- or the e-mail to us of that information came on
11 the 14th.

12 Now, review of FLWAC considerations.
13 Section 190.005 and 190.046 of the Florida statutes
14 provide that after the record of this hearing is
15 transmitted to Tallahassee, FLWAC will make a
16 determination to grant or deny the petition.

17 In so doing, the commission will consider
18 six factors. The factors that are considered when
19 there is a contraction or expansion of district
20 boundaries are the same as when a new district is
21 established; however, because the six factors were
22 initially considered with favor when the district was
23 established, considerations as to the efficacy of the
24 original determination is not before us nor will it
25 be before FLWAC. The focus of the consideration of

1 the six factors at this time is only the effect of
2 the contraction and expansion of the boundary on the
3 existing district.

4 With that understanding, let's look at the
5 six factors: The first factor is whether all
6 statements contained within the petition have been
7 found to be true and correct. And we have heard from
8 Mr. Cole and will later hear from Mr. Weyer both
9 attesting to the veracity of the facts alleged in the
10 petition.

11 The second factor is whether the proposed
12 boundary changes are inconsistent with any applicable
13 element or portion of the state comprehensive plan or
14 of the effective local government comprehensive plan.

15 So looking at the state comprehensive plan
16 first, that is found in Chapter 187 and provides
17 long-range policy guidance for the orderly social,
18 economic, and physical growth of the state. A key
19 element of that plan, for purposes of your review, is
20 found in Section 187.201, parens, 20, which sets
21 forth the following goals: Florida government -- and
22 this is a quote -- "Florida government shall
23 economically and efficiently provide the amount and
24 quality of services required by the public."

25 The policies that the legislature adopted

1 to implement that goal include these two
2 provisions -- and I'm going to read you the first
3 two, Number 1 and Number 1. There are several
4 others, but it's -- it's -- it's just an interesting
5 note that we're very fortunate to have with us today
6 the author of that language, Mr. Ken Van Assenderp,
7 and he'll be talking to you later.

8 But the policy that the legislature adopted
9 in the statute as part of the law are as follows:

10 Number 1, encourage greater cooperation between,
11 among, and within all levels of Florida government
12 through the use of appropriate interlocal agreements
13 and mutual participation for mutual benefit. And
14 Number 2, allow the creation of independent special
15 taxing districts which have uniform general law
16 standards and procedures, and do not overburden other
17 governments and their taxpayers while preventing the
18 proliferation of independent special taxing districts
19 which do not meet these standards.

20 These provisions confirm the essence of
21 Chapter 190, which is the law that governs special
22 districts like yours. Though I have highlighted the
23 above-mentioned provisions, I have reviewed the
24 totality of the state comprehensive plan found in
25 Section 187.201 Florida statutes, and have found no

1 inconsistency between any applicable elements or
2 portion of the state comprehensive plan and the
3 changes proposed in the petition before the board
4 today.

5 Now, the other part of that factor that I
6 mentioned to you is a review of the local government
7 comprehensive plan. So, likewise, with regard to the
8 local government comprehensive plan, I have reviewed
9 the comprehensive plan of Collier County, which is
10 called the Collier County group management plan, and
11 have found no inconsistency between any applicable
12 element or portion of the county comprehensive plan
13 and the petition before the board today.

14 My review is consistent with the
15 conclusions reached by DEO in its own review of said
16 plan, which, quote, did not identify any potential
17 inconsistencies with Chapter 163, Part 2, Florida
18 statutes, or with the Collier County comprehensive
19 plan, unquote.

20 We will have some discussion about action
21 before Collier County later. I think maybe
22 Mr. Vanchick (phonetic) is going to present something
23 on that.

24 But to continue our report, Mr. Van
25 Assenderp will now review factors three through six.

1 MR. VAN ASSENDERP: Thank you, Silvia.

2 This is Ken Van Assenderp, also Kenza Van
3 Assenderp with Van Assenderp Law.

4 Good morning to everyone.

5 The third factor to be considered is
6 whether the area within the proposed district is of
7 sufficient size, sufficiently compact and
8 sufficiently contiguous to be developed as one
9 functional interrelated community.

10 So at this morning's meeting of your board,
11 there is no new district, as Ms. Alderman explained,
12 that is being proposed because your district exists
13 already.

14 What is being proposed is limited only to
15 the boundary change of your district due to the
16 contraction and to the expansion of the acreage that
17 Mr. Cole described.

18 The land in your district, after those
19 boundary changes are made, still remains developable
20 as one functional interrelated community because
21 after the boundary changes of the land within your
22 district are approved by the governor cabinet, the
23 land within your district remains of sufficient size
24 and sufficient compactness and sufficient continuity
25 to function as such as community.

1 The fourth factor is whether the district
2 is the best alternative available for delivery of
3 community developer services and facilities to your
4 area that will be served by your district.

5 The governor cabinet, sitting as FLWAC, in
6 establishing your district on the property that your
7 district now serves already considered this factor.

8 Our review is that the proposed boundary
9 changes proposed by Mr. Cole, when approved, do not
10 present any inconsistency with that decision at
11 FLWAC, the Governor's cabinet.

12 The fifth factor is whether community
13 development services and facilities of the district
14 will be incompatible with the capacity and uses of
15 existing local and regional community development
16 services and facilities. And due to this fifth
17 factor, there is no community development -- there
18 are no community development services and facilities
19 to be provided by your district to the land within
20 the proposed -- proposed expansion areas that would
21 be incompatible. It wouldn't be incompatible with
22 any local or regional community development services
23 and facilities being provided already to the land
24 within the expansion parcels.

25 The sixth and final factor is whether the

1 area that will be served by your district is amenable
2 to the special district government. The expansion
3 areas will be included in an existing district,
4 yours, and therefore, are amenable to special
5 district government. There's no aspect or
6 configuration of the land within the expansion areas
7 that Mr. Cole described that make the land not
8 amenable to special district government.

9 That completes the estimate and report to
10 your board on these six factors to be considered.

11 MS. ALDERMAN: We would like to ask that
12 Exhibit 2, which is copies of correspondence with
13 FLWAC, be included in the record.

14 MR. PIRES: Mr. Chairman, if you could have
15 a motion and approval of that.

16 MR. SLATER: I make a motion that the
17 correspondence be included in the documentation going
18 to FLWAC.

19 MR. SCHMITT: Second.

20 MR. SLATER: All in favor?

21 MR. SCHMITT: Aye.

22 MR. BADESSA: Aye.

23 MR. CHRISTENSEN: Aye.

24 MR. PIRES: Thank you.

25 MS. ALDERMAN: And -- and just for the

1 record, before we, Ken and I, finish our part here,
2 just to go back and clarify that the petition and the
3 notices of public hearing certified by the newspaper
4 are included as part of the record as well --

5 MR. PIRES: Mr. Chairman --

6 MR. SLATER: I'd make a motion -- make a
7 motion to -- as presented to us.

8 MR. SCHMITT. Second.

9 MR. SLATER: All in favor?

10 MR. SCHMITT: Aye.

11 MR. BADESSA: Aye.

12 MR. CHRISTENSEN: Aye.

13 MR. PIRES: Thank you.

14 And, Silvia and Mr. Chairman, if I may,
15 before Greg -- and I'm volunteering Greg to do the
16 next item. Before -- because Greg has had the
17 communications and correspondence.

18 If I -- if you may, with the Chair and the
19 boards' indulgence, have Terry Cole come back up for
20 just a moment and provide some additional testimony.
21 And, Terry, if you could testify and confirm --
22 confirm that everything alleged in the petition is
23 accurate, including that the consent of all affected
24 property owners have been obtained and submitted with
25 the petition.

1 MR. COLE: Yes. Thank you, Mr. Pires.

2 As part of the petition, Exhibit 5, I
3 believe it is -- give me a second -- Exhibit 5
4 contained the landowners' consent to the changes that
5 are being made for the seven different land areas
6 which I described previously.

7 MR. PIRES: And it's your testimony that
8 that is the consent of all affected property owners?

9 MR. COLE: Yes.

10 MR. PIRES: And that -- and the consent has
11 been obtained and submitted with the petition?

12 MR. COLE: Yes.

13 MR. PIRES: And I believe you also
14 testified you described the areas coming in and going
15 -- and out. You also testified no adverse impacts on
16 services. And as to new services, the developer will
17 pay and obtain all necessary permits?

18 MR. COLE: Yes. That is correct.

19 MR. PIRES: And that there is no impact?

20 MR. COLE: Correct.

21 MR. PIRES: Silvia, Ken, anything further
22 for Mr. Cole?

23 MS. ALDERMAN: No.

24 MR. VAN ASSENDERP: Not from me.

25 MR. SLATER: Thank you very much.

1 MR. PIRES: Thank you.

2 I'll volunteer Greg to have -- next,
3 Mr. Chairman, if I may.

4 Greg, you had the communications with
5 Collier County on this application. Would you -- and
6 I appreciate you appearing by phone, Greg. It's
7 always good to work with Greg.

8 MR. URBANCIC: Yes. Thank you. I apprec-
9 -- no problem.

10 This is Greg Urbancic, for the record, with
11 Coleman Yovanovich & Koester. I apologize I'm not
12 able to be there in person.

13 But, yes, the next item that we wanted to
14 present to you is a summary of Collier County's
15 waiver of its optional public hearing on this matter.
16 And just a background, when the petition was filed
17 with FLWAC, it also required that we file a copy of
18 the petition with Collier County, and that was done
19 along with the payment of a filing fee of \$1500,
20 which was paid by the developer in this matter to
21 cover that filing fee.

22 And essentially what -- under Section
23 190.046-1.b.3, the county had the -- the option of
24 holding its own public hearing in addition to this
25 public hearing on this petition to amend the

1 boundaries of CDD Number 1. After discussions with
2 the county, they took forward to the Board of County
3 Commissioners a resolution to waive their option of
4 public hearing.

5 So what you have on the record today as
6 Exhibit 3 is Collier County Resolution 22-03 that was
7 adopted by the Board of County Commissioners on
8 January 11th, 2022, which -- which is the waiver of
9 Collier County of its right to hold the public
10 hearing.

11 So I would ask that -- similar to what the
12 board of supervisors did with the other exhibits, I
13 would ask that we accept Exhibit 3, which is
14 resolution -- Collier County Resolution 22-03 into
15 the record.

16 MR. SLATER: I make a motion that we accept
17 Number 3 into the -- into the record.

18 MR. SCHMITT: Second as proposed.

19 MR. SLATER: All in favor?

20 MR. BADESSA: Aye.

21 MR. SCHMITT: Aye.

22 MR. CHRISTENSEN: Aye.

23 MR. URBANCIC: All right. Thank you.

24 MR. SLATER: Thank you.

25 MR. URBANCIC: Tony, I -- I didn't have

1 anything else unless you want to add anything with
2 respect to that resolution.

3 MR. PIRES: Nothing to add. Thank you very
4 much, Greg, and get well.

5 MR. URBANCIC: Thank you.

6 MR. PIRES: Greg -- Greg will be on the
7 phone for the rest of the hearing, just . . .

8 Mr. Chairman and Chuck, you want -- the
9 next is Russ Weyer.

10 MR. ADAMS: Russ is on the phone, I
11 believe.

12 MR. SLATER: Russ?

13 MR. WEYER: I'm on the phone.

14 MR. PIRES: Yeah. Russ, if you can state
15 your name, your -- name your position, and then
16 provide your testimony.

17 MR. WEYER: Yes, I will go through that --
18 that whole situation, Mr. Pires.

19 For the record -- first of all, good
20 morning to everybody. I apologize I can't be there
21 in person.

22 For the record, I'm George Russell Weyer,
23 and I'm here to testify to my affidavit regarding the
24 statement of estimated regulatory cost prepared by my
25 company Real Estate Econometrics under my supervision

1 for the Fiddler's Creek CDD Number 1.

2 I have reviewed and am familiar with the
3 petition to amend the Fiddler's Creek CDD Number 1
4 boundary. This statement of estimated regulatory
5 cost supports the petition for the CDD to remove
6 portions of developed and undeveloped land and move
7 those lands -- land areas out of the present District
8 Number 1 boundary to adjacent future development
9 parcels and add undeveloped land to a future golf
10 course club parcel to be located within the proposed
11 revised District 1 boundary, thereby changing the
12 boundary of District 1.

13 Again, District 1 is -- is presently
14 comprised of approximately 1,343 acres of land, and
15 with the proposed changes, District 1 will be
16 comprised of approximately 1,316 acres.

17 First of all, District 1, the -- to
18 understand that the -- the -- the process of -- first
19 of all, the boundary -- the -- the limitation of the
20 -- of the scope of the cert are exclusively set out
21 in Section 190.002, Section 2D, Florida statute
22 governing the district establishment of boundary
23 expansion and contraction as follows: That the
24 process of establishing such a district pursuant to
25 uniform general law shall be fair and based on

1 factors material to managing and financing the
2 service delivery function of the district so that any
3 matter concerning permitting to planning -- or
4 permitting or planning of the development is not
5 material or relevant.

6 So based on my review of the petition, my
7 knowledge and experience in -- in my expert opinion
8 and in all instances, I agree with the following:
9 That the petition will have limited impact on the
10 area described in Sections 2 and 6 of the petition;
11 that the petition will not directly or indirectly
12 result in any adverse impact on economic growth, job
13 creation, employment, private sector investment,
14 business competitiveness or regulatory cost or
15 increased regulatory costs of any kind; that the
16 petition will require all current and future property
17 owners within the district, including the developer,
18 to comply with the rule; that the petition will not
19 directly or indirectly result in any additional cost
20 to the agency or any other state or local government
21 entity; that the petition will not directly or
22 indirectly result in increased transactional costs as
23 defined -- defined in Section 5 of the cert to any
24 individual or entity; that the petition would have no
25 adverse impact on small businesses, small counties,

1 or small cities; that no additional information is
2 necessary; and, finally, and most importantly, that
3 no alternatives are available or have been received
4 because there is no other way to change the boundary
5 of the district, accordingly no alternatives are
6 necessary.

7 And, remember, as was mentioned earlier,
8 that, you know, the -- there's -- there's development
9 funding agreement for this change so there's no
10 impact to the district in terms of the funding, and
11 there was a \$1500 fee that was paid to the county to
12 cover their cost and services for reviewing the
13 petition.

14 And with that, I would open it up to any
15 questions.

16 MR. SLATER: Any questions at all?

17 Thank you very much.

18 MR. PIRES: Mr. Chairman, we would like --
19 if we could, have the board include in the record by
20 motion the affidavit of George Russell Weyer to be
21 included as Exhibit 4, and that's the thing that --
22 that's the affidavit that's in your agenda packet.

23 MR. SLATER: So be it.

24 MR. SCHMITT: Second.

25 MR. SLATER: All in favor?

1 MR. SCHMITT: Aye.

2 MR. BADESSA: Aye.

3 MR. CHRISTENSEN: Aye.

4 MR. PIRES: Thank you.

5 Silvia, Ken, do you have anything -- or
6 Greg, do you have anything further for Mr. Weyer?

7 MS. ALDERMAN: No, I do not.

8 MR. VAN ASSENDERP: No, not from me.

9 MR. PIRES: Thank you.

10 MR. ADAMS: It would be appropriate to
11 entertain any final comments from the audience.
12 Members of the public, anybody like to speak on this
13 item?

14 Anything from the board?

15 At this point we would entertain closing
16 the public hearing.

17 MR. SLATER: I make a motion to close the
18 public hearing.

19 MR. SCHMITT: Second.

20 MR. SLATER: All in favor?

21 MR. BADESSA: Aye.

22 MR. SCHMITT: Aye.

23 MR. CHRISTENSEN: Aye.

24 MR. URBANCIC: This is Greg Urbancic.

25 I -- I just wanted to -- to jump in real

1 quick. If we could ask that the board agree to keep
2 the record open for 10 days up until February 7,
3 2022, to allow for the receipt by the district
4 manager for any additional comments that might come
5 in with respect to this matter.

6 You'll see that as Item 10-B on our
7 outline, to make sure that we stipulate that the
8 record would stay open. So I would ask for the
9 board's indulgence to allow that.

10 MR. SLATER: I make a motion to keep that
11 open until the next 10 days --

12 MR. PIRES: For 10 days until February 7th,
13 2022, to allow for the receipt by the district
14 manager of additional written comments.

15 MR. SCHMITT: Second.

16 MR. PIRES: Is that the motion?

17 MR. SLATER: All in favor?

18 MS. ALDERMAN: And to make sure that we're
19 clear, you are closing the public hearing; you are
20 just leaving the record open for the next 10 days.

21 MR. ADAMS: Yes. We have closed the public
22 hearing, and we're keeping the record open.

23 MR. SCHMITT: So does that mean when we
24 vote on the final of this that we vote on it, but
25 it's held until the rest of the record is -- is

1 cleared, or does -- is today's vote final with just
2 additional information coming in for 10 days?

3 MR. PIRES: The board today will be asked
4 to adopt the resolution and it will be a final action
5 by the board.

6 Correct, Silvia?

7 MS. ALDERMAN: Yes.

8 MR. SCHMITT: And for clarity then -- this
9 is Joe Schmitt.

10 For clarity, then, the next 10 days is
11 nothing more than receiving additional comment, but
12 where do those comments go? Do they come back to
13 this board? Or do they impact the resolution in any
14 manner? If there's -- if they do, does it come back
15 to us for another vote?

16 MR. ADAMS: It would flow through this
17 district manager's office and be submitted along with
18 the petition, as I understand it.

19 MR. PIRES: With the reporting conclusion,
20 as I understand it.

21 Correct, Silvia and Ken?

22 MR. VAN ASSENDERP: Yes.

23 MS. ALDERMAN: Correct.

24 MR. VAN ASSENDERP: It would not come back
25 to the board at all.

1 MR. SCHMITT: So today's action is final?

2 MR. PIRES: As to this board, yes.

3 MR. VAN ASSENDERP: Yes.

4 MR. SLATER: Thank you.

5 MR. PIRES: So the motion was to close the
6 public hearing but keep the record open for 10 days
7 until February 7th, 2022, to allow for the receipt by
8 the district manager of additional comments?

9 That was the motion?

10 MR. SLATER: That was the motion.

11 MS. ADAMS: All in favor?

12 MR. SLATER: Aye.

13 MR. SCHMITT: Aye.

14 MR. BADESSA: Aye.

15 MS. ADAMS: Any opposed?

16 Motion passes.

17 MR. SCHMITT: Well, was that -- Action 11,
18 it says --

19 MR. PIRES: That's the next action, I
20 think.

21 MR. SCHMITT: Okay. Sorry. I'm -- I'm --
22 I'm just watching the agenda and then I'm looking at
23 the next action because the other one -- the action
24 was to approve the resolution.

25 MR. PIRES: No. That's the next action.

1 MR. SCHMITT: Okay.

2 MR. PIRES: That's Action Number 11.

3 Chuck, do you want to do that?

4 MR. ADAMS: Sure.

5 This is to the Governor and cabinet to
6 approve the petition for the board to adopt the
7 proposed resolution and to authorize Ken Van
8 Assenderp and Silvia Morrell Alderman, and Anthony
9 Pires, Jr., and Gregory -- Gregory L. Urbancic to
10 prepare and submit the report and recommendations to
11 the Governor and cabinet.

12 MR. PIRES: And that's Resolution 2022-03.
13 That's in your agenda books.

14 MR. ADAMS: Correct.

15 MR. SLATER: I make a motion.

16 MR. SCHMITT: Second.

17 MR. SLATER: All in favor?

18 MR. SCHMITT: Aye.

19 MR. BADESSA: Aye.

20 MR. SLATER: Does that close that?

21 MR. ADAMS: That concludes the item.

22 Thank you everyone.

23 MR. SLATER: Shall we thank -- thank you
24 very much. We appreciate it.

25 MR. PIRES: And the court reporter can stop

1 transcribing now.

2 MR. ADAMS: Yes.

3 (This portion of the meetings were
4 concluded at 8:54 a.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF REPORTER

- - - -

I, SHAUNA T. DIETEL, Registered Professional Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the excerpt of the transcript, pages 1 through 49, is a true and complete record of my stenographic notes.

Dated this 3rd day of February, 2022.



SHAUNA T. DIETEL, RPR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUMMARY TRANSCRIPTION COMMENCED

Ms. Magaldi stated that an expedited transcript was requested.

Mr. Schmitt stated that there is no cost to the CDD for any of these proceedings.

On MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, presenting the Sixth Order of Business before the Third Order of Business, was approved.

▪ **Quality Control Lake Report – January, 2022: SOLitude Lake Management**

This item, previously the Sixth Order of Business, was presented out of order.

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

- The section of lakes treated were in the Group B section, the southern homeowners' section. Some shoreline weeds, such as torpedograss and vines, were observed; algae issues are not typical at this time of year.
- An additional crew would treat larger littoral shelf areas on the golf course due to the size of the area and safety issues with large alligators. No additional cost would be incurred.

THIRD ORDER OF BUSINESS

Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 5; Term Expires November 2024

- A. Thomas Hoel [3755 Montreux Ln #104]**
- B. Joseph Mayer [3286 Ibiza Ln]**
- C. George Varianides [3755 Montreux Ln #201]**
- D. Frank M Weinberg [3832 Mahogany Bend Dr]**

Mr. Slater read the names of the candidates. The Board Members discussed the qualifications they felt are most important in selecting an appointee.

Mr. Slater nominated Mr. Frank Weinberg to fill Seat 5.

No other nominations were made.

On MOTION by Mr. Slater and seconded by Mr. Badessa, with all in favor, the appointment of Mr. Frank Weinberg to Seat 5, term expires November 2024, was approved.

Mr. Slater thanked all the candidates for their interest in serving on the Board.

FOURTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisor *(the following will be provided in a separate package)*

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Frank Weinberg. She reviewed guidelines for recordkeeping, public records requests, email and communications and provided and explained the following items:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**
- D. Form 8B – Memorandum of Voting Conflict**

Mrs. Adams stated that Board Members are eligible to receive compensation of \$200 per meeting, up to \$4,800 per year. Mr. Weinberg elected to receive compensation.

Mr. Pires discussed the Sunshine Law prohibition against Board Members discussing any CDD business outside of a noticed public meeting. Anything that comes before the Board may reasonably come back before the Board so a very conservative position is required. This includes all kinds of interactions and communications including social media, Facebook posts and reactions and conversations with intermediaries. He noted that civil and criminal penalties are associated with the Sunshine Law and violations may void actions taken by the Board. Board Members are also subject to Chapter 112 of the Florida Code of Ethics, which includes conflict of interest statutes and other provisions. He discussed public records and email procedures and encouraged Mr. Weinberg to contact him with any questions.

Mr. Slater asked if a similar boundary amendment proceeding would be held for CDD #2. Mr. Adams stated CDD #2 was created by local ordinance and the change would be handled by Collier County. Mr. Pires stated the CDD #2 boundary change might be addressed by the County Commission meeting in February; like last time, the CDD #2 boundary change would become effective when the boundary change for CDD #1 becomes effective.

With regard to the Exhibits distributed by Mr. Cole, Mr. Schmitt asked if the underlying development plan was conceptual only, as he did not want the community to believe that what was presented is codified and can never be changed. He asked for confirmation that the Developer can make changes to streets and future development, as necessary. Mr. Cole stated that is correct.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-02, Designating Certain Officers of the District; and Providing for an Effective Date

Mr. Slater presented Resolution 2022-02. He suggested that the Chair should be a full-time CDD resident.

Mr. Christensen nominated Mr. Slater for Chair. No other nominations were made.

Mr. Badessa nominated Mr. Schmitt for Vice Chair. No other nominations were made.

The entire slate of officers was as follows:

Chair	Robert Slater
Vice Chair	Joseph Schmitt
Secretary	Chuck E. Adams, Jr.
Assistant Secretary	Joseph Badessa
Assistant Secretary	Torben Christensen
Assistant Secretary	Frank Weinberg
Assistant Secretary	Craig Wrathell

MOTION by Mr. Slater and seconded by Mr. Weinberg, with all in favor, Resolution 2022-02, Designating Certain Officers of the District; and Providing for an Effective Date, was adopted.

Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

SIXTH ORDER OF BUSINESS

Quality Control Lake Report – January, 2022: SOLitude Lake Management

This item was presented before the Third Order of Business.

SEVENTH ORDER OF BUSINESS

Public Hearing on Petition to Amend the Fiddler’s Creek Community Development District #1 Boundaries

- A. Affidavit/ Proof of Publication**
- B. Outline for Local Public Hearing**
- C. Consideration of Resolution 2022-03, Concerning the Petition to Expand its Boundaries by Approximately 11.87 Acres and Contract its Boundaries by Approximately 38.50 Acres (the "Petition"); Authorizing the Chairman, District Manager, District Counsel, Special Counsel and District Engineer to Prepare, Finalize and Submit a Report and Conclusions Concerning the Petition to the Governor and Cabinet of the State of Florida Sitting as the Florida Land and Water Adjudicatory Commission ("FLAWAC")**

This item was presented following the Second Order of Business.

- **Public Comments**

This item was an addition to the agenda.

Mr. Richards discussed aesthetic concerns about the Championship Gatehouse and asked the Board to consider pressure cleaning, painting and landscaping in the area. He believed that, with increased traffic, there is a need for a second lane and asked if that was planned for the future.

Mr. Parisi stated he would meet with Mr. Lux to determine when pressure washing would be scheduled and what could be done for aesthetics. There are no current plans for renovation of the Championship Gatehouse but that would also be considered. There are no plans for further development such as an extra lane in the area.

EIGHTH ORDER OF BUSINESS**Health, Safety and Environment Report****A. Irrigation and Pressure Cleaning Efforts – Todd Lux**

Mr. Lux gave a PowerPoint presentation and reported the following:

- His department is responsible for tree canopy trimming, pressure cleaning sidewalks and curbs and ensuring that irrigation is supplied to the various communities.
- Tree Canopy Trimming: Trimming was all caught up and will resume in March with the fruited palms, which will be cut first in March and again in October.
- Pressure Washing: In the past 30 days crews have been working on Club Center Boulevard and Mulberry Lane. Crews are currently working in Marsh Cove and pressure washing a pump station on Aviamar Circle. In the future, pressure washing would proceed on Championship Drive.
- The Current Month Projected Plan map shows a bird's eye view of what is happening. Areas in red on the graphic were completed and areas in yellow were scheduled. Crews are currently scheduled in Marsh Cove for January. When Marsh Cove is completed, crews would proceed to Isla Del Sol and then to Championship Drive.

Mr. Schmitt asked if reimbursement was received from the HOA for pressure cleaning on private roads. Mr. Lux stated he was directed to clean all community streets.

Mr. Albeit stated it was decided long ago that, because the equipment is owned by The Foundation, all private roads would be cleaned.

Ms. Benedetti stated she volunteers and works with Mr. Lux and, in observing the streets, they were finding ghosting, which means stains are embedded in the materials. She stated that many owners complained that the streets have not been cleaned even when they were cleaned.

Mr. Lux stated that progress is so slow because the current machine requires two passes over the curb. The new machine will be more efficient; however, a delivery time was not available. He noted that some roads were not done in previous calendar years and stated that his plan is developed to allow the team to clean everything one time each year. As new communities are released, pressure washing is done and hazards are addressed promptly.

Ms. Benedetti stated, when she advises Mr. Lux of muddy areas and liability due to the possibility of slipping, Mr. Lux sends someone right away.

A resident asked when Championship Drive would be cleaned. Mr. Lux reviewed the progress map and estimated that Championship Drive would be cleaned in February. He noted that progress reports are sent monthly.

With regard to irrigation, Mr. Schmitt stated his belief that some areas are overwatered and noted that trucks leave 6" to 8" ruts in the mud, even when it is the dry season and there has been very little rain. He asked for Mulberry Road and the Fiddler's Creek Parkway median to be reviewed. Mr. Lux stated he is aware of those two areas and Staff is actively programming the irrigation. Mr. Parisi stated some areas remain on battery power; staff would need to verify whether some of those areas might be receiving double watering.

B. Security and Safety Update – Dan Frechette

Mr. Renaud presented the monthly Security and Safety PowerPoint presentation. He noted the methods available for gate access and discussed the following:

- Gate Access: Guest access for December was high.
- Occupancy Report: The fifth week of December had the highest occupancy.
- Incidents Report: Open garage doors and parking were the most common incidents.

Mr. Christensen asked why the main gate exit arm was inoperable for two weeks during the holidays. Mr. Renaud stated there was an issue with the relay that has since been fixed. The gate is now operational.

Mr. Christensen asked why several Cysco trucks have been permitted to enter and exit the main gate to access The Club and Spa. Mr. Renaud stated, while construction vehicles are not permitted to use the main gate, vehicles making deliveries to The Club and Spa are allowed to enter because it is The Club's property; lumber and wood deliveries are sent to the US 41 gate.

NINTH ORDER OF BUSINESS

Developer's Report

Mr. Parisi stated the last lift of asphalt was nearly done in Oyster Harbor; it was expected to be completed by January 29, 2022. Marsh Cove was being reviewed and might be scheduled in the near future.

Ms. Slater asked if any progress was made on the truck access gate across the back of Publix. Mr. Parisi stated it is under contract but might be delayed due to COVID; he would look into it and provide an update.

Mr. Schmitt asked for the Developer to address the parcel of land that was formerly used as the Design Center. He discussed unsightly conditions, including a damaged gate, and stated that, while it is well screened from the street, the property is visible to residents and visitors. Mr. Parisi agreed and stated it would be addressed.

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

Mr. Cole reported the following:

➤ The Mahogany Bend force main schedule is on hold because the boring machine will not be received for a few weeks. Work was anticipated to resume in mid-February and the project should be completed at the end of March. Crews have fused together most of the High Density Polyethylene (HDPE) pipe currently stored on the north side of Mahogany Bend Drive.

In response to Mr. Schmitt's inquiry, Mr. Cole stated the HDPE pipe would be installed along the fence line; the boring machine would be on the west side of the lake to the west of Mahogany Bend. He explained how the project would be accomplished; the staging area and the Championship Drive right-of-way (ROW) would be restored after the project is completed.

➤ Collier Paving will replace approximately 30' of valley gutter and install root barrier along the portion damaged by trees.

Mr. Schmitt stated he received a copy of a resident petition that was never officially sent to the Board. He believed it was a moot point because the Board had agreed to the repairs and asked if that intent was communicated to the property owner, who was not present. Mr. Slater stated he would notify the homeowner.

Mr. Cole stated that, as requested, staff inspected and mapped the locations of trees between the valley gutters and the sidewalk. A spreadsheet and map would be prepared showing the affected addresses; he estimated that 25 to 30 were identified. Mr. Schmitt asked if there are preemptive actions the Board should take to prevent further damage to the curb and sidewalk. Mr. Cole stated, to his recollection, all damage has been on the northern portion. Mr. Slater stated discussion of this issue would be added to the next agenda.

➤ Traffic Signal Consultant Jim Banks completed the traffic counts now that traffic has increased; the counts were sent to the Department of Transportation (DOT) and, if the warrants

are met, work would begin on the plans for the signalization project. No permitting issues were anticipated; however, the warrants need to be met to allow installation of the signal.

Mr. Schmitt stated that many local residents have been complaining about that intersection, unaware that both CDDs and others are working together to have a signal installed. He felt that the signal would be greatly appreciated by the community. He stated this is not a County issue; the road is a State road, so the State must approve the signal.

A Board Member asked Mr. Cole about the irrigation main along Championship Drive that has failed many times. Mr. Cole stated he received an email from AquaMatic and the preliminary estimate is \$800,000 for the initial work and the estimate for the open cut solution is \$1.7 million. Additional information was requested from AquaMatic.

Discussion ensued regarding the last repair, which cost approximately \$40,000.

ELEVENTH ORDER OF BUSINESS

Continued Discussion: US 41 Traffic Signal Agreements

Mr. Badessa stated he was invited to discuss the matter with the CDD #2 Board. Mr. Slater stated the traffic signal funding discussion between CDDs #1 and #2 is ongoing.

TWELFTH ORDER OF BUSINESS

Discussion/Consideration of Proposed Amendment to the Rule Regarding Sidewalk Maintenance Responsibilities

- **Public Hearing Date: February 23, 2022 at 8:00 A.M.**

Mr. Pires stated he expanded the scope of the Rule based on the last discussion. Mr. Schmitt noted some edits to the document numbering were required. Mr. Pires stated the meeting may need to be scheduled for March due to advertising requirements.

Mr. Schmitt asked if the individual HOAs should be contacted directly. Mr. Pires discussed the public notice process and stated he is in favor of additional proactive notifications but it is at the Board’s discretion. He suggested that The Foundation could be a resource in this regard and a banner could maybe be included on the CDD website.

On MOTION by Mr. Schmitt and seconded by Mr. Slater, with all in favor, providing Mr. Albeit with information for an e-blast to residents, was approved.

THIRTEENTH ORDER OF BUSINESS

Ratification of DSI Engagement for Disaster and Emergency Management Services

Mr. Adams stated he contacted the Board Members individually regarding the possibility of engaging DSI for the third appeal, for a \$30,000 fee. The first appeal for which a not-to-exceed amount of \$20,000 required only \$13,000 to complete.

On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, the DSI Engagement for Disaster and Emergency Management Services, in a not-to-exceed amount of \$30,000, was ratified.

FOURTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2021

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

FIFTEENTH ORDER OF BUSINESS

Approval of December 8, 2021 Regular Meeting Minutes

Mr. Slater presented the December 8, 2021 Regular Meeting Minutes.

The following change was made:

Line 171: Change “Sylvia” to “Silvia”

Line 172: Change “Laity” to “Leighty”

Line 208: Change “Schultz” to “Slater”

Line 219: Change “Schultz” to “Slater”

On MOTION by Mr. Slater and seconded by Mr. Badessa, with all in favor, the December 8, 2021 Regular Meeting Minutes, as amended, were approved.

SIXTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

According to the meeting notes, Items 4, 5, 7, 8, 10, 12 and 15 were completed.

Item 11: Installing a pressure release valve would be included as a future agenda item.

SEVENTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires stated that Mr. Dan Rodriguez would contact Mr. Slater and Mr. Miller regarding Ms. Nancy Parks.

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

- **NEXT MEETING DATE: February 23, 2022 at 8:00 A.M.**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the February 23, 2022 meeting.

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

The Field Operations Report was provided for informational purposes.

EIGHTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

NINETEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

TWENTIETH ORDER OF BUSINESS

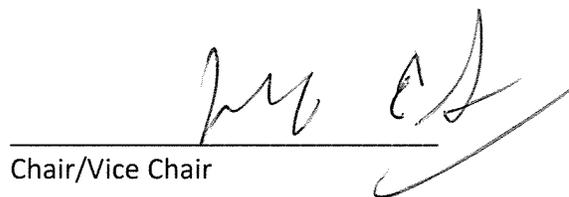
Adjournment

There being nothing further to discuss, the meeting adjourned at 9:58 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair