

**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 April 27, 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	Chair
Joseph Schmitt	Vice Chair
Joseph Badessa	Assistant Secretary
Torben Christensen	Assistant Secretary
Frank Weinberg	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Joe Parisi	Developer’s Counsel
Ron Albeit	Foundation General Manager
Todd Lux	Fiddler’s Creek Director of Facilities
Ed Jasiiecki	Fiddler’s Creek Director of Safety
Bill Kurth (via telephone)	SOLitude Lake Management (SOLitude)
Christina Kennedy (via telephone)	SOLitude Lake Management (SOLitude)
Shannon Benedetti	Resident/Landscape Advisory Committee
David Dralle	Resident
Elliot Miller	CDD #2 Board Member

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams 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)

Resident David Dralle stated that, for five years, he has asked for a “forgotten property” to be given attention. He discussed ongoing fascia repairs and suggested additional fascia repairs while the water level is low. He felt that, despite the attempts over the years, grass in the area is covered with morning glory weeds that are now 4’ high. He felt that landscaping and

irrigation repairs are needed and stated he made suggestions that should not be costly, such as installing grasses, pine needles, copperleaf and trees and maintaining the property.

Mr. Slater thanked Mr. Dralle for his comments and stated this is the first he has heard of an issue. Mr. Christensen stated he had discussions with Mr. Dralle and Mrs. Adams over the years but the issue had not come to the Board.

Mrs. Adams stated the bridge is a flowway previously maintained by the golf course and it only came to her attention in late 2021, after the summer rains began. The Board approved work months ago but contractors have been waiting for the water levels to drop. When Mr. Dralle pointed out that the ongoing patchwork repairs are ineffective, she consulted the contractor and the District Engineer to ensure that the repairs will be done properly. She is waiting for the contractor to schedule the work; the timing for these repairs will be closing in the next few weeks. Mr. Cole and Mr. Christensen previously advised of a portion of a CDD lake bank where crews cleaned up the area and installed cord grasses but the area has no irrigation. The area was overlooked when Kenny left but LandCare should address it.

Mr. Schmitt stated the bridge issue has been in the Operations notes for months so he knows it is being addressed; the current report shows that \$8,300 is budgeted for repairs. Mrs. Adams stated the project had to wait until 2022 and discussed the reasons.

THIRD ORDER OF BUSINESS**Quality Control Lake Report – April 2022:
*SOLitude Lake Management***

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

- The Group B lakes, which were part HOA and part Golf Course, were treated this month.
- Shoreline weeds, including cattails, torpedo grass and vines, were the most commonly treated; some growth was already yellowing from previous treatments.
- Two teams would be implemented to ensure better service of the property. One technician would address lake algae, water quality issues and non-shelf littorals. Another team would focus on large littoral shelf areas. A third technician does most of the boat work for the flowway, treating the preserve and homeowner shorelines for submersed weeds.

Mr. Slater asked if that is why the proposal was submitted. Ms. Kennedy replied no; the staffing changes were made to get better control of the property.

➤ Areas treated last month were checked. Some were not treated as quickly as they would have liked, due to staffing changes, but they have been treated now and would be rechecked in June. The new staffing arrangement would be safer and more effective.

• **Change Order No. 1 for Lake and Wetland Maintenance**

Mrs. Adams presented Change Order No. 1. SOLitude is requesting a 7% increase to its contract price due to inflation and increased fuel, chemical and labor costs.

Mr. Kurth stated the requested increase was not targeted toward particular clients. SOLitude is a nationwide company and the supply chain issues have led to price increases across the board, throughout the country. He stated that many products have doubled or tripled in price and, while SOLitude tried to absorb the costs as much as possible throughout most of last year, the decision to ask for the increase was made in order to maintain the same level of services, staffing and inventory.

The language on Exhibit A, which referred to a two-year contract, was discussed.

Mrs. Adams stated Exhibit A would serve as an Addendum to the existing contract; necessary changes would be made. Mr. Adams stated the Change Order would be revised to state that all provisions and conditions of the existing contract remain in full force and effect.

A Board Member noted the Agreement would ensure that there would be no degradation in the level of service.

On MOTION by Mr. Schmitt and seconded by Mr. Slater, with all in favor, SOLitude Lake Management, LLC Change Order No. 1 for Lake and Wetland Maintenance, revised as discussed, was approved.

FOURTH ORDER OF BUSINESS

Health, Safety and Environment Report

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

Mr. Lux stated his department is responsible for tree canopy trimming, pressure washing sidewalks and curbs, and ensuring the operational side of irrigation at the satellite control. He reported the following:

➤ Tree Canopy Trimming: Hardwoods were trimmed in April. No trimming is scheduled in CDD #1 in May.

➤ Irrigation Projected Usage: A slide was added to give an overview of irrigation. Irrigation is managed by 19 programmable satellites within the villages; run times are on Monday, Wednesday and Saturday from 9:00 p.m., to 4:00 a.m. Irrigation may be observed during later hours due to irrigation wet checks or growing plants. Last month, 13 watering cycles were completed, with zero rain holds. Approximately 9.9 million gallons of water was used inside the villages. CDD #1 has 11 additional programmable satellites in common areas that used approximately 4.4 million gallons in March.

➤ Pressure Washing: Crews are working on Championship Drive. In the next 30 days, crews would proceed to Veneta and the surrounding communities and then to Amaranda and the surrounding communities. The new machine is still in the shop being custom-built due to difficulty obtaining aluminum parts. It is estimated to be in operation in mid-May.

Mrs. Adams stated she observed a slip and fall hazard on Campanile Circle this morning. Mr. Lux stated he would make sure it is addressed.

➤ Current Month Projected Plan: Areas in red on the graphic were completed, including sidewalks, signs and curbs. Areas in green represented the past month's cleaning and yellow areas are scheduled for the next 30 days. The purple dots represent special requests.

Ms. Benedetti asked if Mr. Lux checked Sandpiper.

Discussion ensued regarding Shady Lady Black Olive trees that are staining the roadways. Mr. Lux stated, when the new machine is in service, crews will be able to do an additional cleaning of affected roadways.

B. Security and Safety Update: *Ed Jasiiecki*

Mr. Jasiiecki gave the monthly PowerPoint presentation and discussed the following:

➤ The automated gatehouse can be called at 239-529-4139 to register guests and vendors.

➤ The safety@fiddlerscreek.com email address is the preferred method of communication for questions, concerns and visitor registration. Emails are monitored by all three gatehouses and supervisors 24 hours a day, 7 days a week, and they are generally quick to respond.

➤ Community Patrol staff are not first responders. In an emergency, 911 should be called first, followed by calling the Community Patrol, who will respond and assist as needed.

➤ Occupancy Report: February and March occupancy was 83% to 89%. April numbers are not yet calculated but a seasonal decrease in occupancy is anticipated.

- Gate Access: All gates are operational and manned 24 hours a day, seven days a week. Two road patrols respond to calls 24 hours a day, seven days a week.
- Gate Access: In March, approximately 40,000 vehicles entered via the three gatehouses; The number ranged from 28,000 to 30,000 in February. A decrease is anticipated going forward.
- The Publix gate is still not fully operational due to an electrical conduit issue. A definitive date of when it will be operational is not known.

Mr. Parisi discussed issues locating conduit and stated directional boring is needed to provide electricity. The gate should be open and it will be left open to allow vehicular access.

Mr. Slater expressed appreciation for the stop sign installed at the Fiddler's Creek exit.

Mr. Parisi stated landscaping revisions on Sandpiper Drive improved visibility and eliminated line of sight issues. He predicted it would take time and education to get residents to recognize and obey the stop sign. A Board Member felt that both the stop sign entering from US41 and the stop sign exiting the community are ignored by many drivers.

Mr. Parisi stated, if the problem persists, flashing stop signs might be a good next step.

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

Mr. Parisi reported the following:

- Golf course construction is underway; a Site Development Plan (SDP) was submitted for work from Arboretum Drive going toward the new location for the Clubhouse. Vegetation, including Brazilian Pepper, will be removed, dirt mounds will be leveled, some of the cart path will be relocated and a silt fence will be installed.
- Construction of Lake 70 will begin soon in the area below the new boundary dividing CDD #1 and CDD #2. A lake will cross three golf course holes stopping just before the canal; a land bridge will be left. The project will provide better water for the golf course and add water to the irrigation lakes.

Mr. Christensen asked why a gate arm is still missing at the main gate. Mr. Jasiacki stated that all gate arms are up and running properly and noted that there was a recent incident requiring repair was addressed promptly, as of this morning. Two extra replacement gate arms are on back order.

A Board Member asked Mr. Jasiacki to ensure that trucks and construction traffic entering via Sandpiper are directed down the construction road and not through the

community. Mr. Jasiiecki stated the guards provide passes with instructions; road patrols are stationed and monitoring traffic in the mornings along Sandpiper and by Cherry Oaks.

Mr. Parisi described the designated route for truck and construction traffic in Oyster Harbor and Marsh Cove and noted that Taylor Morrison (TM) has been working in the area. Boulders and gates were installed to control traffic and contain and secure cattle in the area.

Discussion ensued regarding lake construction and future development of Hidden Cove, which will be part of CDD #2. The ongoing cleanup of the unsightly former design center was discussed. Mrs. Adams noted that trees were removed in the area. Mr. Parisi discussed plans for the storage facility and construction office. The consensus was that the area is still unsightly and it would take several more weeks to improve it.

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

Mr. Cole reported the following:

- The CDD Boundary Revisions were considered by the Florida Land and Water Adjudicatory Commission (FLWAC) in March. Per Silvia Alderman and Kenza Van Assenderp, final adoption by the State is expected in early May. There were no issues; the final resolution will be received after a specified amount of time following the final hearing passes.
- The Stormwater Management Needs Analysis Report is in progress.
- The Phase 8 Lake Erosion Plan scope for the south side of Mallard's Landing would be coordinated with Land Shore Lake Restoration; the contractor is busy on other projects.

Mr. Slater stated resident Judy Tibbs expressed concern about lake erosion behind her home on Bent Creek. Mr. Cole would inspect the area in the northwest corner of the lake. Mr. Christensen questioned if the contractor can do the work given its lack of availability and the wet season. Mr. Cole stated the work can be done but contractors might not be able to perform the work in the same manner as in the past.

- Minor repairs to the PVC wall on Mulberry Lane were completed.
- The Mahogany Bend force main connections were made and work was substantially completed, as of yesterday. Punch list items, including sod, landscaping and rut repairs remain.

Mr. Weinberg stated, per the contractor, work will be completed within the next week.

- The road and sidewalk repairs are final and restored.

➤ The three-way stop signs were installed; Collier Paving completed the work promptly and the signs greatly improve safety in the area.

➤ Mrs. Adams forwarded the information about the Runaway Bridge discussed earlier. The inspector, Mr. Mike Roddis, would coordinate with the contractor to have the work done.

- **Consideration of Aqua-Matic Irrigation Systems, Inc. Proposal/Contract to Remove and Install 6" Irrigation Gate Valve**

Mr. Cole thought this proposal is no longer necessary. Mrs. Adams stated, as of yesterday, she was advised that this project is not necessary at this time.

➤ The pre-design meeting with the Florida Department of Transportation (FDOT) for the traffic light was held last week. FDOT agreed that the turn lane lengths do not have to be changed; an application for the variance will be submitted and no issues are anticipated. Signal design is underway and a timeline might be available for the next meeting. Design and permitting are estimated to take nine months, followed by nine months for construction.

Mr. Schmitt recalled discussions about tree damage to roadways and sidewalks. Mr. Cole stated some repairs were completed and provided a list of addresses and locations of the trees. He drove up and down Mulberry Lane while inspecting the wall and observed standing water in valley gutters; in his opinion, the standing water is minimal and would evaporate. He did not see any problems. He noted that, while roads and valley gutters have been raised in some areas because of trees, drainage is not impeded. His recommendation is to wait and see if additional problems arise; tree removal would be at the direction of the Board.

Mr. Schmitt stated some roadway areas have spalling.

Mr. Badessa asked when the funds for the traffic light on US41 are due. Mr. Cole stated the expense will be funded in Fiscal Year 2023; therefore, he suggested setting aside funds in the budget so they are in place to pay the contract upon completion. Mr. Adams stated the scheduled completion date is 18 months; from a budgetary standpoint a funding source must be determined but a check would not be needed until the contract is fulfilled.

Mr. Schmitt asked when a response from Mr. White is expected. Mr. Adams stated that Mr. White requested additional information and is preparing his response; it would likely be presented at the next meeting.

A. Historical Document Research

B. Response From Commissioner LoCastro

Mr. Pires thanked Mr. Schmitt for his assistance with the letter to Commissioner LoCastro. The letter was sent on April 22, 2022; a response is pending. Mr. Schmitt stated he will meet with Commissioner LoCastro on May 5, 2022 to discuss this issue and the proposed construction of affordable housing, instead of the park that was planned. Mr. Pires suggested he, Mr. Schmitt and Mr. Parisi meet in advance of the meeting to discuss the Vested Rights Determination (VRD). Mr. Parisi discussed the VRD and the report documenting the CDD's rights. He suggested District Counsel review the document in advance of the meeting.

Discussion ensued regarding the VRD, impact fees and cost sharing. Mr. Pires would review the document before meeting with Mr. Parisi and Mr. Schmitt.

Mr. Weinberg stated he would not support the CDD contributing funds to the traffic light at Championship Drive. Mr. Schmitt concurred.

Mr. Parisi stated, Pelican Lakes promised to maintain that road when it sought to increase its density. When Copper Cove was developed, the County did not require the same.

EIGHTH ORDER OF BUSINESS

**Update: Status of Petition for Boundary
Amendment**

This item was discussed during the Sixth Order of Business. Mr. Pires stated when the rule becomes final, the amendment to CDD #2's boundaries will also become effective.

NINTH ORDER OF BUSINESS

**Update: Meeting with LandCare Regarding
Landscape Issues**

Mrs. Adams stated her Operations Report includes a summary of her meeting with Mr. Bretz last week. LandCare is still struggling with the property. Bougainvillea beds are not satisfactory, goldmound are damaged and whitefly are infesting the ficus in CDDs #1 and #2 and, although treated, it is a concern due to the extent of the problem in recent years. Some turf areas are pretty good but some are not. She discussed issues with fertilizer and product application and stated her belief that cold damage only excuses so much. She stated, while

LandCare has a long history with the CDD and there have been numerous staffing changes in recent years, she found it concerning that Mr. Bretz did not know all his responsibilities.

Discussion ensued regarding whether to take action. Mrs. Adams stated the options are to wait until the contract expires and go out to bid or give LandCare 60 days' notice and go through the sealed bidding process.

Mr. Badessa asked what other companies might be available. Mrs. Adams stated she was advised that GulfScapes is prepared to take on the additional work immediately and staffing is not an issue. She stated a Defective Work Notice was issued to LandCare, as required in the contract, and LandCare did not dispute the issues. Asked if LandCare demonstrated any improvement, Mrs. Adams replied affirmatively; however, despite the improvements, the landscaping is still not acceptable.

Ms. Benedetti stated she drives around daily to check on LandCare to help Mrs. Adams oversee the lengthy list of items; she agreed that the bougainvillea look poor and stated she sees LandCare staff working every day cleaning up items.

Mrs. Adams stated she took issue with LandCare because, although CDDs #1 and #2 have separate contracts, she has repeatedly observed the entire LandCare crew concentrated in CDD #2, with no crews working in CDD #1. Asked how the 60-days termination period would work, Mrs. Adams stated the CDD would have to go through the sealed bidding process. A Request for Proposals (RFP) would be advertised and GulfScapes and any other interested contractors would attend a mandatory pre-bid meeting. The contract would be a one-year contract with an option to renew.

Discussion ensued regarding labor, staffing and management issues and splitting of CDD #2 between LandCare and GulfScapes and whether CDD #1 should do the same.

Mr. Slater motioned to send a 60-day termination notice to LandCare and then go out to bid. Mr. Weinberg seconded for purposes of discussion. Seeking new bidders, the possibility of price increases and the current contract which is locked in until January 2023 were discussed. Mr. Parisi suggested inviting LandCare to a meeting to address the concerns directly. Bidding processes and crew management were discussed. The motion and second were withdrawn.

The consensus was to invite LandCare to the next meeting.

Mrs. Adams distributed the Financial Highlights Report. Mr. Adams presented the Unaudited Financial Statements as of March 31, 2022.

Mr. Slater asked if the \$978 “Debt Service 2014-2A Refunded” on Page 1 could be withdrawn. Mr. Adams stated he would have the account closed out.

Mr. Schmitt asked if any of the “Legal advertising” expenses, at 255% of budget, were due to the Boundary Amendment. Mrs. Adams stated the line item includes public hearing advertisements. Mr. Pires stated a separate bill will be sent for the Boundary Amendment. Mr. Schmitt believed the Developer would defray some of the costs for the Boundary Amendment legal fees. Mr. Adams stated those fees would be reimbursed by the Developer.

Mr. Schmitt questioned the 1,215% increase in “Irrigation supply- Repairs and maintenance” line item. Mr. Adams stated the expense is related to the irrigation line break; it is difficult to forecast unforeseen expenses in advance. Mr. Weinberg stated there were two line breaks during the current calendar year and, unless and until the lines are replaced, failures would continue. The consensus was that it is cost-effective to repair the failures on a “pay as you go” basis. Mr. Slater noted it will be necessary to budget more for those types of repairs.

Regarding the truck that hit a light, Mrs. Adams stated all files were submitted to the CDD’s insurance company to follow up and pursue for reimbursement, as reflected in her Operations Report.

The financials were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of March 23, 2022 Regular Meeting Minutes

Mr. Slater presented the March 23, 2022 Regular Meeting Minutes.

The following changes were made:

Line 78: Change “Schultz” to “Schmitt”

Line 318: Change “Ronald” to “Rommel”

On MOTION by Mr. Schmitt and seconded by Mr. Slater, with all in favor, the March 23, 2022 Regular Meeting Minutes, as amended, were approved.

TWELFTH ORDER OF BUSINESS

Action/Agenda or Completed Items

This item was addressed following the Thirteenth Order of Business.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires stated that the recently signed legislation involving certain Special Districts only affects five or six Special Districts established prior to 1968: it does not affect this CDD I.

Mr. Pires stated that the County's application to the South Florida Water Management District (SFWMD) for the Comprehensive Watershed Plan was withdrawn with no explanation.

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

I. 1,440 Registered Voters in District as of April 15, 2022

II. NEXT MEETING DATE: May 25, 2022 at 8:00 A.M.

o QUORUM CHECK

The next meeting will be held on May 25, 2022.

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

The Field Operations Report was provided for informational purposes.

▪ Action/Agenda or Completed Items

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

Item 3, 4 and 12 were completed.

Items 8 and 15: These items are related and an opinion from Mr. White is pending.

Item 13: This item was scheduled and would remain on the list until completed.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Christensen asked for the number of registered voters in CDD #2. Mr. Adams replied 1,273.

FIFTEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

SIXTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 9:30 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair