

**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 June 22, 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:

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| Robert Slater (via telephone) | Chair |
| Joseph Schmitt | Vice Chair |
| Frank Weinberg | Assistant Secretary |
| Torben Christensen | Assistant Secretary |

Also present were:

| | |
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| Chuck Adams | District Manager |
| Cleo Adams | District Manager |
| Tony Pires | District Counsel |
| Terry Cole | District Engineer |
| Joe Parisi | Developer General Counsel |
| Valerie Lord | Foundation Representative |
| Jose Castillo | Fiddler’s Creek Director of Facilities |
| Ed Jasiocki | Fiddler’s Creek Director of Safety |
| Jody Benet | Irrigation Manager |
| Christina Kennedy (via telephone) | SOLitude Lake Management (SOLitude) |
| Fred Kramer | Resident – Cranberry Crossings |
| Debbie Lowery | Resident – Cranberry Crossings |
| Richard Peters | Resident – Cherry Oaks |
| Jeff Cullins | Resident – Cardinal Cove |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 8:00 a.m. Supervisors Christensen, Schmitt and Weinberg were present. Supervisor Slater was attending via telephone. Supervisor Badessa was not present.

On MOTION by Mr. Weinberg and seconded by Mr. Schmitt, with all in favor, authorizing Mr. Slater’s attendance and full participation, via telephone, due to exceptional circumstances, was approved.

SECOND ORDER OF BUSINESS

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

Resident Richard Peters felt that the former Design Center area looks better since debris from Hurricane Irma was cleaned up. He asked if there are plans for anything other than a storage area at the site. Mr. Parisi stated the Construction Compound at the site will be renovated. Debris will be removed and storage facilities installed.

Mr. Schmitt voiced his opinion that, while there was improvement, the site looks deplorable and much work remains to be done, including fence repairs and additional screening. Mr. Parisi stated, as soon as the Site Plan is approved, the area will be cleaned out and facilities installed. He will follow up.

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 A lakes in the front of the community were inspected this month and look good; not too many new issues were found.
- Lake 1 was treated for shoreline grasses. Lake 4 was treated for crested floating heart.
- New melaleuca seedlings were found on Lake 95.
- FC-1 was treated for torpedograsses near the gazebo.
- Previously treated areas were reevaluated; the wetland crew would re-treat the problematic area near the Hole 16 tee boxes.

FOURTH ORDER OF BUSINESS

Health, Safety and Environment Report

A. Irrigation and Pressure Cleaning Efforts: Jose Castillo

This item was presented following Item 4B.

B. Security and Safety Update: *Ed JasiECKi*

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

- The automated gatehouse telephone number, 239-529-4139, can be used to register guests and vendors. The member website and the Fiddler's Creek mobile app are also available.
- Community patrol can be reached at 239-919-3705. The safety@fiddlerscreek.com email address is the preferred method of communication for questions, concerns and visitor registration. Phones and emails are monitored by all three gatehouses and supervisors 24 hours a day, seven days a week, and they are generally quick to respond.
- Community Patrol are not emergency first responders. In an emergency, 911 should be called first, followed by calling Community Patrol to report the incident.
- Occupancy Report: Occupancy is decreasing and is currently approximately 80%.
- Gatehouses: All three gates are manned 24/7 and two patrols continue to run 24/7.
- Two Traffic Hawk radar speed detection devices were deployed. So far this month 20 speeding incidents were forwarded to Ms. Lord for her to prepare and send violation letters to the offenders.

Asked about the threshold for speeding violations, Mr. JasiECKi stated that violation letters are sent for driving five miles per hour over the speed limit. Ms. Lord stated she has sent 40 to 50 violation letters for speeding this month.

- Gate access was down in May from 30,000 to 18,000.
- Incidents decreased in all categories. Parking and open garage doors are the most common.

Mr. Schmitt observed that stop sign violations are a pervasive problem in the community. Mr. JasiECKi stated he is researching technology to implement to reduce stop sign violations.

Mr. Christensen noted that electric bicycles also exceed the speed limit. Mr. JasiECKi stated the Sheriff's radar unit might be brought in again to maintain a community presence.

Mr. Slater asked if electric bikes are legal in Fiddler's Creek. Mr. JasiECKi replied affirmatively; they function as low-speed vehicles and are legal to operate. According to the

requirements, electric bicycles that can maintain a 35 miles per hour (mph) speed, are permitted on the highway.

Mr. Pires read directly from the Florida Statutes, in which the "Electric Bicycle Regulations" state that, except as otherwise provided, electric bicycles are afforded all the rights and privileges and be subject to all of the duties of a bicycle or the operator of a bicycle. An operator may ride an electric bicycle where bicycles are allowed, including but not limited to streets, highways, roadways, shoulders, bicycle lanes and bicycle or multi-use paths. Asked if a license is required, Mr. Pires stated there is no license or registration requirement for an electric bicycle.

▪ **Irrigation and Pressure Cleaning Efforts: Jose Castillo**

This item, previously Item 4A, was presented out of order.

Mr. Castillo stated his department is responsible for tree canopy trimming, irrigation, and pressure washing sidewalks, curbs and monuments. Depending on the situation, emails should be sent to IrrigationUsers@Fiddlerscreek.com or Pressurewashing@Fiddlerscreek.com.

Mr. Castillo reported the following:

- Tree Canopy Trimming: No hardwood or high palm trimming is scheduled for July.
- Irrigation Projected Usage: 19 programmable satellites within the villages are programmed to run Monday, Wednesday, and Saturday, from 9:00 p.m. to 8:00 a.m. In May, 11 watering cycles were completed with two rain holds.
- In the villages, 11 programmed common satellites are programmed to run Tuesday, Thursday and Sunday; last month, 11 watering cycles were completed, with three rain holds. No watering is done on Fridays.
- Approximately 9.5 million gallons of water were used in the villages. The common areas in CDD #1 used about 4.3 million gallons of water.

Mr. Weinberg asked if The Foundation hired Stahlman-England to audit water systems in several of the villages, including Mahogany Bend. He stated an email was sent regarding it and asked what they were doing and who gave permission. Mr. Parisi stated he was not aware of anything being done by Stahlman-England; The Foundation was asked to send letters to the village Presidents requesting details about their current irrigation system so that information

can be compiled so that, when a new Baseline system is created, solutions can be tailored to each village’s needs.

Mr. Schmitt noted that residents of Mahogany Bend, Mulberry and Isla DeISol, which have their own control systems, received emails advising about the inspections. Mr. Weinberg stated inspections were done on private property. Ms. Lord stated Taylor Morrison (TM) hired Stahlman-England to review the systems they installed and Stahlman-England mistakenly entered Mulberry.

Mr. Parisi stated The Foundation met with Mr. Cole and others to develop a plan to address pricing, warranty, system features, water usage and delivery; neighborhood meetings will be held to keep residents of each village informed.

Mr. Schmitt felt that, given the CDD’s ownership of infrastructure, The Foundation has the right to ask homeowners for permission to see if their homes are in compliance.

Mr. Parisi stated that irrigation system information gathered would be communicated to the CDD as it becomes available.

➤ No pressure washing activity is scheduled for this month. The new machine is still not in service despite being promised for this month.

Mr. Parisi discussed the ongoing delays due to COVID and the supply chain issues.

Mr. Schmitt thought the sprinklers are running on Friday mornings. Mr. Castillo stated wet checks are permitted on Fridays; he would check the timings and verify compliance.

Mrs. Adams asked when the CDD #1 palms would be pruned. Mr. Castillo stated the CDD #1 palms are scheduled for pruning in August.

FIFTH ORDER OF BUSINESS

Developer’s Report

This item was presented following the Eighth Order of Business.

SIXTH ORDER OF BUSINESS

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

Mr. Cole reported the following:

➤ The Stormwater Management Needs Analysis Report was submitted this morning.

➤ A meeting was held with Mr. Parisi, Ms. Lord, Mr. Benet and others regarding irrigation issues. He distributed a map depicting six groups of villages; Staff will meet with each group individually. Updated controllers and equipment will be installed, allowing the Irrigation Management Group to ensure adequate water distribution and compliance with requirements.

Mr. Parisi stated the villages will set up the meetings; representatives from Baseline will attend to respond to questions.

Mr. Schmitt asked if a final estimate is being developed for the project. Mr. Cole stated some monies are already included in the Fiscal Year 2023 budget for planned irrigation repairs, such as pumphouse and valve replacement.

Mr. Parisi stated it might be possible to minimize costs by combining villages on controllers; equipment needs, financing and the timing of the rollout would be determined and communicated to residents throughout the process.

Discussion ensued regarding previous surveys, inspections and equipment upgrades by individual villages.

Resident Jeff Cullins asked about the possible price range for installation of a two-wire controller in a village. Mr. Benet stated he could not estimate, as it depends on how many stations a village needs; a two-wire controller will only accommodate 200 stations and additional variables must be considered. Each village must be independently audited to determine the most economical way. The manufacturer would provide the best solution for each village and/or the property, as a whole, so that the system works as designed and the CDD qualifies for the 10-year warranty. Mr. Parisi stated, once the system requirements are known, financing plan would be developed for each village.

➤ The initial review comments on the preliminary Traffic Signal design were received from the Florida Department of Transportation (FDOT). Trebilcock Consulting Solutions is continuing to work on the design and the next plans will be submitted at the end of July. It is hoped that the traffic signal will be installed by fall 2023.

Mr. Schmitt requested a list of target dates so the Board can monitor progress. Mr. Cole stated he would prepare a document.

Mr. Weinberg asked if CDD #1’s portion of the traffic light expense is budgeted in Fiscal Year 2023. Mr. Adams replied affirmatively.

Mr. Schmitt asked what entity is the actual signor of the contract. Mr. Adams stated the signal was contracted by CDD #2.

➤ A pothole on Cherry Oaks Trail will be patched. Mr. Roddis was unable to find any other potholes on CDD roadways, so the single pothole will be patched at a cost of \$600. It was not deemed cost-effective to collaborate with the villages for such a small repair.

➤ The Runaway Bridge stone work is pending; Staff is still trying to engage a contractor.

Mr. Schmitt recalled that the roadway damage from trees in Mulberry was checked three months ago and voiced his opinion that the roadway worsened significantly in two areas. Mr. Cole stated he would inspect the area and advise.

Mr. Christensen asked for the status of the erosion control projects. Mr. Cole stated he would follow up with the contractor. The \$60,000 allocated for Fiscal Year 2022 will be allocated toward repairs on the south side of Mallard’s Landing and on Runaway Lane.

SEVENTH ORDER OF BUSINESS

Continued Discussion: FDOT Traffic Signal Warrant Analysis for SR 951 (Collier Boulevard) at Championship Drive – Response from Commissioner LoCastro

Mr. Schmitt stated that he, Mr. Pires and Mr. Parisi had a productive meeting with Commissioner LoCastro. They made it clear that, while Fiddler’s Creek supports the traffic light, it is not the CDD’s obligation and the CDD will not contribute to this traffic signal. Mr. Parisi made it clear that the CDD has vested rights. Commissioner LoCastro stated he would advise the CDD if other parties wish to pursue the matter on their own.

EIGHTH ORDER OF BUSINESS

Update: Status of Funding of Traffic Signal – US 41 and Sandpiper Drive

Mr. Schmitt stated the Board received a legal opinion from the attorney engaged specifically for this matter. This privileged communication will not be released publicly. Mr. Adams stated an Executive Session can only be held if a claim is filed by or against the CDD.

Further discussion of this item was tabled to the next meeting.

Mr. Peters asked if the Board considered taking the same position with the traffic light on US 41. Mr. Schmitt replied no, each CDD budgeted for and committed to contribute funds for construction of the traffic signal; this discussion is about the amount to be contributed by each CDD.

Resident Debbie Lowery asked if property owners have been paying a monthly fee or if they have been assessed for the traffic signal. Mr. Schmitt replied no to both; the wording in the last notice led to a misunderstanding that an assessment would be imposed for the traffic light. The Operations & Maintenance (O&M) assessment on the tax bill pays for all budgeted CDD expenses, including the contribution for the traffic signal.

▪ **Developer's Report**

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

Mr. Parisi reported the following:

- A schedule for the construction compound will be provided as soon as possible; a response from the County is pending.
- Construction is underway in Dorado and Oyster Harbor. Across the street from Kumamoto are Fanny Bay Lane and Belon Lane; signage and pallets were moved, as requested.
- The ground was leveled and vegetation was removed at the Golf Course. Arboretum Drive, a divided lane road leading to The Club, is under construction.
- Permitting for The Clubhouse is awaiting County approval. Lake 70 will be excavated in that area bordering CDD #2 to provide water for irrigation, as discussed in conjunction with the CDD boundary modifications.
- A Neighborhood Information Meeting (NIM) scheduled for July will address Section 29, which, on the map, looks like it connects to Fiddler's Creek property but it is separate. Access to Section 29 will be from Auto Ranch Road, which goes straight to US 41; there will be no connection to Fiddler's and no access to Section 29 from Fiddler's Creek. Apartments will be developed on the property and, of the 750 units, 20% will be available to essential workers eligible for income subsidies. Section 29 will have its own amenities and will not have access to Fiddler's Creek amenities.

➤ The CO for the Publix gatehouse that has been under construction, is coming up. A Meet and Greet with Halvorsen and Security will be held to finalize emergency procedures and how the exit will work. No further exiting of Fiddler’s Creek will be provided from that location.

Mr. Weinberg asked if the Developer plans on requesting any additional changes at the July 7, 2022 NIM. Mr. Parisi stated the CRC would be in front of the apartments in the commercial areas on US 41. Land use attorneys will attend the NIM.

Mr. Schmitt asked if there are plans to paint or make improvements to the Championship Gate. Mr. Parisi stated that was discussed in the past; he would include it on the list for review. Mr. Schmitt asked for the roof to be power washed. Mr. Parisi stated it would be addressed, along with considering other improvements. Mr. Weinberg stated old control systems and items stacked against the side of the building need to be removed.

Mr. Schmitt stated the NIM, required by the County, will be held at the library on Lely Cultural Parkway on July 7, 2022 at 5:30 p.m.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of May 31, 2022

Mrs. Adams presented the Unaudited Financial Statements as of May 31, 2022.

Discussion ensued regarding the on-roll assessment collections, which were at 94%. Mr. Adams stated there might be a lag with the Tax Collector segregating receipts from other taxing authorities or some tax certificate sale proceeds could be pending. He predicted revenues should be 100% by June or July.

On MOTION by Mr. Weinberg and seconded by Mr. Schmitt, with all in favor, the Unaudited Financial Statements as of May 31, 2022, were accepted.

TENTH ORDER OF BUSINESS

Approval of May 25, 2022 Regular Meeting Minutes

Mrs. Adams presented the May 25, 2022 Regular Meeting Minutes.

The following change was made:

Line 204: Change "Cole" to "Pires"

On MOTION by Mr. Weinberg and seconded by Mr. Christensen, with all in favor, the May 25, 2022 Regular Meeting Minutes, as amended, were approved.

ELEVENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Items 9, 10, 11, 13, 14, 16 and 17 were completed.

Regarding Item 2, Mr. Adams stated no response was received. The consensus was to spend no additional monies and await a response.

Regarding Item 1, Mr. Pires to send the detail to Mr. Parisi.

Regarding Item 3, the consensus was to do nothing at this time and remove the item for the list.

Regarding Item 5, Mr. Cole to review the areas again.

Regarding Item 6, this item to be included on the next meeting agenda.

Regarding Item 7, revised documents are pending.

Regarding Item 8, Mr. Cole to inspect the area.

Regarding Item 11, Mrs. Adams stated the insurance company advised that the CDD can only recuperate \$1,800, as not enough information could be obtained from the video.

Regarding Item 12, the area in question is scheduled for Fiscal Year 2023 Project Review.

Regarding Item 13, Mr. Weinberg asked when the project will go out to bid, if the LandCare contract expires at the end of January. Mrs. Adams stated in September or October.

Regarding Item 18, Mr. Pires stated a court communication was received. Mr. Slater signed the Notice of Establishment and, once that is recorded and sent to Collier County, the next steps will be the Notice of Establishment for CDD #2. It will be sent to Mr. Urbancic for recording.

Mr. Slater left the meeting.

TWELFTH ORDER OF BUSINESS

Staff Reports

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

There was nothing further to report.

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

- **NEXT MEETING DATE: July 27, 2022 at 8:00 A.M.**

- **QUORUM CHECK**

The next meeting will be held on July 27, 2022.

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

The Field Operations Report was provided for informational purposes.

Mrs. Adams stated Lykins Sign-Tek has the four decorative finials at its shop and will provide an estimate for the necessary repairs. Florida Painters will evaluate whether it can perform any of the repair work needed to the existing monuments. Mr. Schmitt suggested obtaining a quote for sandblasting and powder coating. Mr. Weinberg asked if they need to be replaced and expressed his opinion that it looks better without them. Mrs. Adams stated that is up to the Board; the Design Review Committee (DRC) would need to approve it if they are not replaced. Mr. Schmitt stated the cost is needed in order to discuss what to do.

THIRTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisor's requests.

FOURTEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 9:35 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair