

**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 January 25, 2023 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
Frank Weinberg	Assistant Secretary
Torben Christensen	Assistant Secretary
Joseph Badessa	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Joe Parisi	Developer General Manager
Ron Albeit	Foundation General Manager
Ed Jasiocki	Fiddler’s Creek Director of Safety
Mason Maher	SOLitude Lake Mangmnt – Field Ops Mgr.
Mike Barrow	GulfScapes Landscape Management
Shannon Benedetti	Resident/Landscape Advisory Committee
Dorothy Hirsch	Resident
Al Noto	Resident
John Nuzzo	Fiddler’s Creek CDD #2 Board Member
Elliot Miller	Fiddler’s Creek 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 Al Noto asked for the two dead CDD trees near Montreux Lane to be removed.

Resident Dorothy Hirsch asked for an update on replacing the shrubs at Championship Drive and 7621 Mulberry Lane that were destroyed in Hurricane Wilma. Mrs. Adams stated she will send a request to GulfScapes to address it.

THIRD ORDER OF BUSINESS

Ratification the Actions of the District's Board of Supervisors from its December 14, 2022 Regular Meeting

Mr. Pires stated this is being done in an abundance of caution due to the order in which the quorum was established and Board Member appointments were made at the last meeting.

On MOTION by Mr. Schmitt and seconded by Mr. Slater, with all in favor, the actions of the District's Board of Supervisors during its December 14, 2022 Regular Meeting, were ratified.

FOURTH ORDER OF BUSINESS

Quality Control Lake Report, SOLitude Lake Management

• January 2023

Mr. Maher presented the Quality Control Lake Report.

Mrs. Adams asked for the residential side of all lakes with bulrush to be treated, per the contract. Mr. Maher stated he will include this in his review of Marsh Cove today.

Mr. Slater asked Mr. Cole to inspect the areas settling around the lake bank and geotube at Lake 34A. Mr. Parisi stated the Golf Course Superintendent is aware of this and thinks it might be a blown bag. He will advise Mr. Cole of the outcome and if he should inspect the area.

FIFTH ORDER OF BUSINESS

Health, Safety and Environment Report

A. Irrigation and Pressure Cleaning Efforts

Mr. Jasiiecki presented the Monthly PowerPoint presentation, which included reminders to report questions, comments or concerns via the Irrigation@Fiddlerscreek.com or

Presurrewashing@Fiddlerscreek.com email addresses, which are monitored daily, or directly to the Safety Department.

Mr. JasiECKi was asked to have the cones removed at the intersection of Whisper Trace and Pepper Tree and find out why there is still a temporary meter connected to the fire hydrant along Championship Drive and report his findings at the next meeting.

B. Security and Safety Update

Mr. JasiECKi gave the monthly PowerPoint presentation, which included reminders to call 911 first in an emergency, followed by Community Patrol at 239-919-3705 to report the incident or other non-emergency needs. Guests can be registered via the mobile app, calling the Automated Gatehouse at 239-529-4139 or emailing Safety@Fiddlerscreek.com.

SIXTH ORDER OF BUSINESS

Developer's Report

Mr. Parisi reported the following:

- Construction of Kumamoto and Fanny Bay North is underway; several closings are expected next year.
- Construction Compound: Cleanup is underway, trailers are being stored on property, completion dates were extended due to hurricane and supply chain delays and the interior is expected to be completed by February 16, 2023 and the exterior by February 24, 2023. The gate will remain open due to heavy traffic.
- Walkthrough: Board Members should schedule a walkthrough with him.
- Lot 134 on Kumamoto Lane: In error, riprap was installed to prevent erosion while the property was being finalized. It will be removed and the grading lowered as the retaining wall is installed by the pool deck. He will work with Mr. Cole on the schedule and lake bank repairs.
- The County's Construction & Development Temporary Use Permit must be renewed every two years.
- Wash outs on Kumamoto Phase I of Oyster Harbor: Meeting with Mr. Cole today to discuss The Foundation's Engineer's Report on Phases I and III, which was sent to the Division President. The Foundation does not deem the project completed.

- Hydraulic stain on Dorado Lane: It will be pressure washed and, if not successful, it will be addressed when they mill and install the new top coat, sometime after the season ends.
- The architectural renderings for the Championship Drive Gatehouse remodel will be emailed to Mrs. Adams to distribute to the Board.

Mr. Schmitt thanked Mrs. Adams and Mr. Parisi for taking swift action getting the construction parcel at the back gate cleaned up.

Discussion ensued regarding STP landscaping requirements, debris clean up, storing company trailers, replacing a downed light pole, complaints about aesthetics, no silt barrier, and the Developer finalizing the Xfinity contract.

SEVENTH ORDER OF BUSINESS

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

Mr. Cole distributed proposals and a spreadsheet of the CDD and Mulberry Lane sidewalk repair locations to repair critical sidewalk panels to prevent tripping hazards.

On MOTION by Mr. Weinberg and seconded by Mr. Slater, with all in favor, the Collier Paving & Concrete Proposal dated December 19, 2022, for Concrete Sidewalk Repairs associated with the CDD, not damaged by tree roots, in the amount of \$31,369.70, was approved.

Mr. Cole stated that the next proposal does not include sections around the curb where the tree caused the road and valley gutter to buckle, which will need to be addressed later.

Mr. Pires discussed the Board’s direction to prepare a Resolution about the CDD’s policy to inform affected homeowners and HOAs of their responsibility to maintain and taken action to install a root barrier and make necessary repairs. He presented letters dated December 8, 2022 to Ms. Ruby and Mr. Wheat at the last meeting and emailed them to Seacrest Naples LLC. He discussed the CDD’s liability exposure and responsibility to warn people and, notifying homeowners to correct issues and if not corrected the Board will consider whether to impose additional assessments. He suggested flagging the property or spray painting these areas and sending individual notices to each homeowner.

Mr. Cole was directed to include inspection information describing the condition of the area, a photograph and the address, which will be attached to the letter to the homeowner.

On MOTION by Mr. Slater and seconded by Mr. Weinberg, with all in favor, the Collier Paving & Concrete Proposal dated December 19, 2022, for Concrete Sidewalk Repairs and root barrier installation between the sidewalk and curb on Mulberry Lane damaged because of tree roots, excluding valley gutters in the street, in the amount of \$31,469.02, and authorizing Mr. Pires to record the Resolution with the Court and include the registered return receipt for the letter sent to the homeowners requesting reimbursement and to prepare individual letters to each homeowner on the Property Appraiser’s website notifying them of their responsibility, and authorizing Mr. Cole to inspect, document the conditions and provide a photograph to attach to each letter, was approved.

Regarding relocating Cherry Oaks Trail speed limit sign, Mr. Cole stated that he inspected the area and did not see anything wrong with the sign location. He asked if the Board wants approve Mr. Creamer’s request, on behalf of the HOA to relocate it.

Discussion ensued regarding possible line-of-sight issues.

On MOTION by Mr. Slater and seconded by Mr. Weinberg, with Mr. Slater, Mr. Weinberg, Mr. Christensen and Mr. Badessa in favor and Mr. Schmitt dissenting, authorizing Mr. Cole to proceed with relocating the speed limit sign at Cherry Oaks Trail, was approved. [Motion passed 4-1]

Mr. Cole reported the following:

- The County completed repairs to the water line break north of Fiddler’s Creek Parkway and replaced the sidewalk.
- Preparation of the Irrigation Pump House #2 replacement bid package is underway.
- The schedule for the Sandpiper Drive traffic signal is a few weeks behind. Trebilcock Consulting Solutions is responding and submitting 100% design plans to the Florida Department of Transportation (FDOT) by the end of the week and expects approval around March 1, 2023.

Discussion ensued regarding this being a shared expense with CDD #2 and completion of the project expected within 18 months.

Mr. Cole responded to questions regarding obtaining proposals for lake bank erosion repairs at Mallard and Runway Lane Creek, inspecting valley gutters on Mulberry, inspecting the sidewalks on Championship Drive with significant cracks and including those in a proposal and changing the sidewalk inspection from annual to bi-annual.

EIGHTH ORDER OF BUSINESS

Continued Discussion: Notice of Anticipatory Breach of Interlocal Agreement with Fiddler’s Creek CDD #2 [Traffic Signal Cost Sharing]

Mr. Adams stated CDD #1 has not been invoiced. He recalled that the Board assigned fund balance each year to pay CDD #1’s portion of the project, which totals \$352,000 to date and is likely underfunded. Whether to respond to the letter from CDD #2, Mr. Adams voiced his opinion that it is not necessary and stated he will provide the steps taken by CDD #1 to fund the project and resend the Interlocal Agreement to the Board.

This item will be removed from future agendas.

CDD #2 Board Member John Nuzzo asked for clarification that the CDD #1 Board is not against paying its full share of the cost and is not looking to split the cost. He was advised to review the minutes. When asked for CDD #1’s position, Mr. Slater stated the Board does not have a formal position; CDD #1 will respond once an invoice is received.

Discussion ensued regarding CDD #1 not responding to the CDD #2 letter and CDD #1’s position to take \$100,000 of the money CDD #2 will receive from Halverson.

CDD #2 Board Member Elliot Miller asked about Mr. Cole’s earlier comment about the project going into 2024 and the budget and stated that, if CDD #1 breaches the Interlocal Agreement, CDD #2 will deal with it then.

NINTH ORDER OF BUSINESS

Discussion: Temporary Construction Site Fiddler’s Creek Parkway and Sandpiper

This item was discussed during the Sixth Order of Business.

TENTH ORDER OF BUSINESS

Consideration of Collier Paving & Concrete Proposal for Concrete Sidewalk Repairs

This item was presented during the Seventh Order of Business.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2022

Mr. Christensen asked for an update on the revolving line of credit. He commented that the holiday lighting arrangement was beautiful and the best one so far. Mr. Adams will contact the bank regarding the status of his request.

The financials were accepted.

TWELFTH ORDER OF BUSINESS

Approval of December 14, 2022 Regular Meeting Minutes

Mr. Slater presented the December 14, 2022 Regular Meeting Minutes. The following changes were made:

Line 146: Change "Christensen" to "Weinberg"

Line 303: Change "Interlocal" to "Non-Disturbance and Encroachment"

On MOTION by Mr. Schmitt and seconded by Mr. Christensen, with all in favor, the December 14, 2022 Regular Meeting Minutes, as amended, were approved.

THIRTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Items 3, 6, 8, 9, 10, 17, 18, 19, 22 and 23 were completed.

Item 1: Mr. Pires emailed materials to Mr. Parisi and will schedule a meeting to discuss.

Item 5: Mr. Adams: Email the Assessment Collection Schedule by month to the Board.

Item 7: Mr. Parisi will check the status.

Item 9: Security staff's duties were reallocated; overnight gatehouse staff is being trained to monitor the devices for violations.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

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

There was no report.

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

- **NEXT MEETING DATE: February 22, 2023 at 8:00 A.M.**
 - **QUORUM CHECK**

Supervisors Badessa, Christensen, Schmitt and Weinberg confirmed their attendance at the February 22, 2023 meeting. Supervisor Slater will not be present.

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

Mrs. Adams distributed and presented the Monthly Field Operations Report.

Resident and Landscape Advisory Committee Member Shannon Benedetti stated that a Report was emailed to Mrs. Adams to forward to the Board. The Landscape Committee documented and photographed over 1,000 dead bougainvillea’s; aging, neglected and missing plants; sink holes and missing or dead patchy grasses throughout the community. Mrs. Adams is obtaining proposals.

Discussion ensued about installing a variety of plants, initiating a plant maintenance program subject to approval from the Design Review Committee (DRC), landscape replacement budget, engaging a Landscape Architect and the eight-year life span of bougainvillea.

On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, engaging a Landscape Architect to assess landscaping throughout the community and make recommendations for improvements, was approved.

FIFTEENTH ORDER OF BUSINESS

Supervisors’ Requests

A Board Member stated he was disturbed by the behavior of those using the facilities during the holiday season.

SIXTEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 9:46 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair