

**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 September 27, 2023 at 8:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

**Present at the meeting were:**

Robert Slater (via telephone)	Chair
Joseph Schmitt	Vice Chair
Torben Christensen	Assistant Secretary
Joseph Badessa	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 General Manager
Ryan Hennessey	Fiddler’s Creek Director of Community Services
Bill Kurth	Premier Lakes, Inc.
Chuck Fitzgibbons	Board President – Cherry Oaks Trail

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mrs. Adams called the meeting to order at 8:00 a.m.

Supervisors Schmitt, Christensen, Badessa and Weinberg were present. Supervisor Slater attended via telephone.

**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)**

No members of the public spoke.

**THIRD ORDER OF BUSINESS**

**Quality Control Lake Report - Premier Lakes, Inc. (Alex Kurth)**

Mr. Bill Kurth presented the Quality Control Lake Report and stated significant improvements have been made in the lakes; weed control is much better, the littorals have recovered and there are no major problems with algae.

Asked if there is a treatment plan for Lake 11, Mr. Kurth offered to treat the cristada lilies at no charge to prevent their spread throughout the lakes and systems and because they are an eyesore. Mr. Pires suggested that Staff obtain permission from golf course management to treat the lake and inform them that this is a one-time, voluntary treatment due to the impact on the CDD's stormwater management system. Mr. Kurth stated he would like it understood that his company is not being compensated, as that could create a potential legal issue. Mrs. Adams will send Mr. Pires a draft of the communication to golf course management for his review and he will keep Mr. Kurth updated on when to treat Lake 11.

- **Consideration of Resolution 2023-05 Fiscal Year 2024 Meeting Schedule Change**  
**This item was an addition to the agenda.**

Mrs. Adams recalled that Resolution 2023-05 was adopted in May but, since then, it was necessary to revise the Fiscal Year 2024 Meeting Schedule to change the December 2023 meeting date from December 27, 2023 to December 13, 2023.

**On MOTION by Mr. Weinberg and seconded by Mr. Schmitt, with all in favor, revising the Fiscal Year 2024 meeting schedule and authorizing Staff to replace the original version attached to Resolution 2023-05 with the revised Fiscal Year 2024 Meeting Schedule, was approved.**

**FOURTH ORDER OF BUSINESS**

**Update: Collier County Comprehensive Watershed Improvement Plan (Daniel Roman)**

This item will be removed from future agendas and will be placed on the Action Items List until further notice.

**FIFTH ORDER OF BUSINESS**

**Health, Safety and Environment Reports**

**A. Irrigation and Pressure Cleaning Efforts**

Mr. Hennessey reviewed the Monthly PowerPoint presentation, which included reminders to report questions, comments or concerns to [Irrigation@Fiddlerscreek.com](mailto:Irrigation@Fiddlerscreek.com) or [Pressurewashing@Fiddlerscreek.com](mailto:Pressurewashing@Fiddlerscreek.com) or directly to the Safety Department.

Discussion ensued regarding satellite repairs, a water main break, sidewalk replacement and repairs on Fiddler's Creek Parkway, the pressure washing contract, irrigation valves and controllers and their mapped locations.

Mr. Parisi suggested the CDD put a plan in place that deals with the valves. Mrs. Adams will work with GulfScapes to have the valves inspected periodically to ensure they are operating properly; maps will be pulled to show the locations.

Mr. Parisi stated the pressure cleaning contract expires on September 30, 2023. He distributed an Agreement between CDD #1 and The Foundation, with a 3.7% Consumer Price Index (CPI) increase. Mr. Pires confirmed that he received an emailed copy of the Agreement. He discussed the revisions that he made.

**On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, the Pressure Cleaning Agreement between CDD #1 and The Foundation, in the amount of \$39,189.60, subject to the discussed revisions made by District Counsel, was approved.**

**B. Security and Safety Update**

Mr. Hennessey reviewed the monthly PowerPoint presentation, which included reminders to first call 911 in an emergency, followed by reporting the incident or other non-emergency matters to the Community Patrol. Residents can register guests via the member's website, mobile app, calling the Automated Gatehouse or emailing [Safety@Fiddlerscreek.com](mailto:Safety@Fiddlerscreek.com).

**SIXTH ORDER OF BUSINESS**

**Developer's Report**

Mr. Parisi reported the following:

- Championship Drive will reopen on October 13, 2023. An e-blast would be sent.
- The Golf Clubhouse is under construction.
- Staff bid out and selected a contractor to renovate the golf course.
- Normal home construction is ongoing.
- The Hidden Cove Lake Maintenance Easement (LME) was prepared; the sea wall will be installed and maintained by the HOA.

Mr. Pires stated the Board would like written assurance that all fees will be paid by the Developer for Bond Counsel and the legal and engineering fees associated with the project. He presented a draft of a resolution numbered Resolution 2023-XX regarding the LME. Asked if the Board can authorize Mr. Slater to execute the Resolution, Mr. Pires stated the Board can approve the Resolution in substantially final form, subject to Staff review and edits that do not substantially change its content. He reviewed Paragraph 3G of the Resolution related to an opinion of Bond Counsel retained by the CDD, stating that such a transaction is not prohibited or restricted by the District's Special Assessment Revenue Bond Series 2014-1. The Resolution will be edited and presented at the next Board meeting.

**On MOTION by Mr. Weinberg and seconded by Mr. Schmitt, with all in favor, Resolution 2023-XX, in substantially final form, to be numbered appropriately, and subject to review and edits that do not substantially change its content and it being presented in final form at the next meeting, was adopted, and authorizing the Chair to execute, was approved.**

Mr. Parisi stated the SDPA for construction of the dog park will be submitted this week.

**SEVENTH ORDER OF BUSINESS**

**Engineer's Report: Hole Montes, a Bowman Company**

Mr. Cole presented the following:

**A. Consideration of Collier Paving Proposal for Championship Drive Paving Repairs**

Mr. Cole responded to questions regarding whether it is best to proceed with the paving project now or later and to questions about the sidewalk repairs on Fiddler’s Creek Parkway.

Mr. Cole will follow up with Collier Paving regarding the sidewalk repairs.

**On MOTION by Mr. Weinberg and seconded by Mr. Schmitt, with all in favor, the Collier Paving Concrete Proposal for milling, paving and striping on Championship Drive near Hawk’s Nest, in the amount of \$21,788.05, was approved.**

Mr. Cole reported the following:

- C&C Fence repaired and replaced several fences for \$5,500.
- Mulbury Lane is repairing a number of sidewalks. Staff previously approved 340 square feet.
- The Lake 7A bank restoration repairs were completed.
- The equipment for Pumphouse #2 was delivered. Staff is obtaining a proposal and building permit for roof replacement.
- Regarding the traffic signal, Staff participated in a conference call with the Florida Department of Transportation (FDOT) to review another round of comments. The revised price for the signal is \$1,280,620,25. The FDOT will not issue a permit until the contractor has a performance bond between the contractor and FDOT.

**EIGHTH ORDER OF BUSINESS**

**Ratification of Fiddler’s Creek Foundation, Inc., Irrigation Maintenance Service Agreement**

Mr. Adams presented the Fiddler’s Creek Foundation, Inc., Irrigation Maintenance Service Agreement.

**On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, the Fiddler’s Creek Foundation, Inc., Irrigation Maintenance Service Agreement, subject to execution by the Chair or Vice Chair , was ratified.**

**NINTH ORDER OF BUSINESS**

**Continued Discussion/Consideration of Limited Cost-Sharing Agreement Regarding Traffic Calming Improvements on Cherry Oaks Trail (under separate cover)**

Mr. Pires distributed and reviewed a redline version of a revised Limited Cost-Sharing Agreement Regarding Traffic Calming Improvements on Cherry Oaks Trail and stated that he added installation of the traffic calming improvements as part of the scope of work.

Mr. Fitzgibbons thanked the Board for the CDD's contribution for the purchase of speed platforms and provided the following update:

- He and Mr. Norm Treblecock recently walked and drove the street in question and identified two areas on either side of the circle.
- There will be calming devices south and north of the circle that will not impede on anyone's driveway.
- Mr. Treblecock solicited bids from three companies for asphalt speed humps; the target date for installation is February 1, 2024.
- The project will cost approximately \$25,000.

Discussion ensued regarding signage, the requirements for the CDD's contribution and a hold-harmless indemnification agreement.

**On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, the Limited Cost-Sharing Agreement Regarding Traffic Calming Improvements on Cherry Oaks Trail, in substantially final form and subject to additional edits about timing, and authorizing the Chair to execute, was approved.**

**TENTH ORDER OF BUSINESS**

**Update: Letter to CDD #2 Regarding Combining Districts**

Mr. Adams stated CDD #2 has no interest in combining the two CDDs into one CDD.

Mr. Schmitt voiced his opinion that it is financially favorable and it would make sense, considering the size of the community.

**ELEVENTH ORDER OF BUSINESS**

**Discussion/Update: Operating Funds  
Investment Options**

Mr. Adams presented and reviewed three proposals for investment programs offered by Truist Bank, FineMark Bank and Bank United. He recommended opening an Insured Cash Sweep (ICS) account with Bank United for the CDD's surplus operating funds.

**On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, authorizing Mr. Adams to open an ICS account with Bank United, was approved.**

**TWELFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial  
Statements as of August 31, 2023**

A Board Member asked what the \$189,000 transferred to CDD #2 covers. Mr. Adams stated it was a month-to-month accrual of certain shared costs. A detailed breakdown will be provided at the next meeting.

The financials were accepted.

**THIRTEENTH ORDER OF BUSINESS**

**Approval of Minutes**

**A. August 8, 2023 Emergency Meeting**

**On MOTION by Mr. Weinberg and seconded by Mr. Badessa, with all in favor, the August 8, 2023 Emergency Meeting Minutes, as presented, were approved.**

**B. August 10, 2023 Continued Emergency Meeting**

The following change was made:

Line 69: Change "Mr. Christian" to "Mr. Christensen"

**On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, the August 10, 2023 Continued Emergency Meeting Minutes, as amended, were approved.**

**C. August 23, 2023 Public Hearing and Regular Meeting**

The following changes were made:

Lines 85 through 86: Change "Federal Emergency Management Agency (FEMA)" to "County"

**On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, the August 23, 2023 Public Hearing and Regular Meeting Minutes, as amended, were approved.**

**FOURTEENTH ORDER OF BUSINESS**

**Action/Agenda or Completed Items**

Items 2, 4, 9 and 11 were completed.

Remove Item 4 from list.

**FIFTEENTH 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: October 25, 2023 at 8:00 AM**

- **QUORUM CHECK**

**Mr. Slater was no longer on the call.**

Supervisors Badessa and Christensen confirmed their in-person attendance at the October 25, 2023 meeting. Supervisors Schmitt and Weinberg will not attend. Mr. Slater attendance status is unknown.

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

The Monthly Field Operations Report was included for informational purposes.

Mr. Adams asked how the Board would like to proceed with the litigation. He stated that there will be no ruling from the court unless it goes to trial. Mediation cost estimates ranged from \$4,200 to \$4,500.



Discussion ensued regarding mediation costs, filing for summary judgment, mediation procedures and timing and having Staff schedule a meeting with the CDD #2 Board to discuss how to proceed.

**On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with Mr. Schmitt, Mr. Badessa and Mr. Weinberg in favor and Mr. Christensen dissenting, authorizing District Counsel to send a letter to CDD# 2’s Counsel requesting a litigation/mediation meeting, was approved. (Motion passed 3-1)**

**SIXTEENTH ORDER OF BUSINESS**

**Supervisors’ Requests**

There were no Supervisors’ requests.

**SEVENTEENTH ORDER OF BUSINESS**

**Public Comments**


There were no public comments.

**EIGHTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, the meeting adjourned at 9:41 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair