

**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 October 25, 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	Chair
Joseph Schmitt (via telephone)	Vice Chair
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
Ryan Hennessey	Fiddler’s Creek Director of Community Services
Alex Kurth (via telephone)	Premier Lakes, Inc.
Mike Barrow	GulfScapes Landscape Mgmt (GulfScapes)
Bill Needham	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

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

On MOTION by Mr. Slater and seconded by Mr. Badessa, with all in favor, authorizing Mr. Schmitt’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. Alex Kurth presented the Quality Control Lake Report and highlighted the following:

- Will continue to monitor lakes recently treated for algae and the FC canal system for Illinois pond weed.
- The Cardinal Cove Canal was treated for bladder wort, splendid spike rush and southern niad weed; in control of 95% after one week. Expects 100% control after inspection tomorrow.
- Fine tuning treatments will continue over the next month, which will include the wetland crews treating the bigger golf course littoral shelves.
- The lake conditions show vast improvement over the last six months. A lot of continued re-growth of beneficials was observed, which will help fill in the open areas.

While appreciation was expressed for the map identifying the lake locations, it was noted that the map needs to be modified to include the canal system.

Regarding Lake 11, Mr. Pires will finalize the draft email to golf course management tomorrow. Mrs. Adams noted the CDD's contract specifications might differ from the Rookery's contractor and the County's stance on the Cristata Lilly.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2024-01, Concerning the Conveyance of Certain Land Described Herein, Deemed Unnecessary to Be Owned in Fee Simple for District Public Purposes; Determining that Disposal of Fee Simple Title in Said Land in Exchange for a Platted Lake Maintenance Easement is in the Best Interest of the Public and the District; Authorizing the Conveyance of the Land Described Herein and the Acceptance of a Replacement Platted Lake Maintenance Easement; Authorizing Certain Officers of the District to Take All Actions Required and to Execute and Deliver All Documents, Instruments and Certificates Necessary in Connection with the Conveyance of the Land Described Herein and the Acceptance of a Replacement Platted Lake Maintenance Easement; All Subject to an Opinion of Bond Counsel for the District that Such Transaction is Not Prohibited by the District's Special Assessment Revenue Bonds, Series 2014-1

(and Associated Documents); Authorizing the Vice Chairman and Assistant Secret Aries to Act in the Stead of the Chairman or the Secretary, as the Case May Be; Authorizing Certain Officers of the District to Take All Actions and Enter into all Agreements Required in Connection with the Conveyance of the Land Described Herein; and Providing an Effective Date (*under separate cover*)

Mr. Pires asked for this item to be tabled to the next meeting, as he received a memorandum from Bond Counsel that needs clarification and it might be necessary to incorporate language into the Resolution. Mrs. Adams stated that the next meeting might be in December, as there are plans to cancel the November meeting.

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 or Pressurewashing@Fiddlerscreek.com or directly to the Safety Department.

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.

SIXTH ORDER OF BUSINESS

Developer's Report

Mr. Parisi reported the following:

- The Fiddler's Creek Foundation, Inc., Detailed Satellite Irrigation Maintenance Inspection Reports was emailed to Mrs. Adams and are included later in the agenda.
- The cost to upgrade the wiring and satellite stations will not be available for another year. A Construction Manager needs to be engaged to design the systems and decide which communities can be combined; the interview process is still underway.
- The warranty package for the Gatehouse on Championship will be sent to Mrs. Adams.

Mr. Parisi discussed the overall process to develop and construct the dog park.

Resident Bill Needham stated he and other residents thought that the dog park permits were already underway. Mr. Parisi noted the site and building permits for the project differ. He anticipates completing the project by February or March 2024.

SEVENTH ORDER OF BUSINESS

Engineer’s Report: Hole Montes, a Bowman Company

Mr. Cole reported the following:

- The Mulberry Lane sidewalk repairs are almost completed.
- The Fiddler’s Creek Parkway sidewalk repairs from the irrigation break are completed.

The area needs to be cleaned up and re-landscaped.

- **Collier Paving Concrete Proposal for Club Center Drive Sidewalk Repairs and Additional Areas to Address Trip Hazards**

This item was an addition to the agenda.

Mr. Cole presented the Collier Paving proposal received today for trip hazard repairs for about 340 square feet of sidewalk and 60’ of grinding.

On MOTION by Mr. Slater and seconded by Mr. Badessa, with all in favor, the Collier Paving Concrete Proposal for Club Center Drive sidewalk repairs and additional areas to address trip hazards, in a not-to-exceed amount of \$13,640, was approved.

- The consultant’s traffic signal variance was approved yesterday. The Florida Department of Transportation (FDOT) will provide written documentation of its intent to issue the permit once the performance bond is received from the contractor. CDD #2 realized a cost saving of \$100,000 by using a radio signal instead of installing conduit from Sandpiper Drive to Manatee Road.

Mr. Cole anticipates the project will be completed for the 2025 season, with costs of about \$1.3 million or less.

- The irrigation Pumphouse #2 roof will be removed this week and the pump equipment will be installed and operational a few weeks later, even though the building permit and proposal to replace the roof are still pending.

- Approved paving repair projects at Mulberry Lane, Mulberry Court intersection and the section of Championship Drive near Hawk’s Nest are on Collier Paving’s December schedule.
- Work on submitting a in substantial change to remove the wooden guard rail opposite Whisper Trace is underway.

EIGHTH ORDER OF BUSINESS

Discussion: Fiddler’s Creek Foundation, Inc., Satellite Report [Irrigation Maintenance Agreement]

The Reports were presented during the Sixth Order of business.

NINTH ORDER OF BUSINESS

Consideration of Proposals to Replace Landscaping at the Main Entrance

A. GulfScapes Landscape Management Services #4296

Regarding irrigation and warranty questions, Mr. Barrow, of GulfScapes, noted there is no charge for any irrigation needs or damages during the installation process. The warranty term is one year.

B. Juniper Landscaping of Florida, LLC #236854

On MOTION by Mr. Slater and seconded by Mr. Christensen, with all in favor, GulfScapes Landscape Management Services Proposal #4296 to replace landscaping at the main entrance, in a not-to-exceed amount of \$70,978, was approved.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2023

• Breakdown

The Financial Highlights Report was distributed. It depicts that the bulk of the funds transferred to CDD #2 were specific to the Irrigation Pump House Upgrades that required a deposit.

Regarding transferring banking to BankUnited, Mr. Adams stated it will occur once the documents are executed this week. He stated that FineMark Bank’s latest effort to manage the ICS account resulted in the CDD earning \$10,500 in interest for its surplus operating funds.

The financials were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of September 27, 2023 Regular Meeting Minutes

On MOTION by Mr. Slater and seconded by Mr. Badessa, with all in favor, the September 27, 2023 Regular Meeting Minutes, as amended, were approved.

TWELFTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Items 5, 6 and 7 were completed.

Item 8: Vendor changed from GulfScapes to AquaMatic. A meeting will be scheduled with Mr. Benet and Mr. Barrow.

Item 9 was combined with Item 3.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires reported the following:

- Edited Mr. Fitzgibbons’ draft letter on the Limited Cost-Sharing Agreement regarding traffic calming improvements on Cherry Oaks Trail, which was finalized at the last meeting. Mr. Adams submitted the letter to the County on Monday; whereby, Trebilcock will proceed with the process of obtaining traffic calming approvals from Collier County.
- The County advised that the Collier County Comprehensive Watershed Improvement Plan (CCCWIP) was placed on hold; it might be necessary to restart the entire study process.

Mr. Schmitt voiced his belief that the traffic light will be installed before this comes to fruition. The County offered to keep the CDD posted and attend a CDD meeting when closer to the design stage.

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

- **NEXT MEETING DATE: November 8, 2023 at 8:00 AM**
 - **QUORUM CHECK**

On MOTION by Mr. Slater and seconded by Mr. Badessa, with all in favor, cancelling the November 8, 2023 meeting, was approved.

Asked if CDD #2 agreed to arbitration, Mr. Adams replied no. The court hearing is set for the end of September or early October 2024, which will require completing discovery prior to the hearing. CDD #2 filed a Motion for Summary Judgement and the CDD #2 Chair verbalized the intent to request reimbursement of attorney's fees. Mr. Adams responded to questions regarding anticipated attorney's fees and mediation costs.

Mr. Slater presented the following motion, although a similar one was approved at the last meeting.

On MOTION by Mr. Slater and seconded by Mr. Badessa, with Mr. Slater, Mr. Badessa and Mr. Schmitt in favor and Mr. Christensen dissenting, authorizing District Counsel to send a letter to CDD #2's Counsel requesting a mediation meeting and filing a letter with the Court, was approved. [Motion passed 3-1]

In response to a request, Mr. Adams will research and notify the Board about the Interlocal Agreement's severability clause.

- **Operations Manager: Wrathell, Hunt and Associates, LLC**

This item was an addition to the agenda.

It was noted that this item is an ongoing agenda item under Staff Reports but it was inadvertently omitted from this agenda; it will be included on future agendas.

Mrs. Adams distributed the Monthly Field Operations Report.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

FIFTEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Slater and seconded by Mr. Badessa, with all in favor, the meeting adjourned at 8:50 a.m.



Secretary/Assistant Secretary



Chair/Vice Chair