

**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 February 28, 2024 at 8:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

**Present were:**

Robert Slater	Chair
Joseph Schmitt	Vice Chair
Torben Christensen	Assistant Secretary
Joseph Badessa	Assistant Secretary
Frank Weinberg	Assistant Secretary

**Also present:**

Chuck Adams	District Manager
Cleo Adams	District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Mike Barrow	GulfScapes Landscape Manager
Ryan Hennessey	Fiddler’s Creek Director of Community Services
Alex Kurth	Premier Lakes, Inc.
Mike Cote	Resident, Mulberry Village Assoc. President
Jack Combes	Resident, Cardinal Cove
Jeff Crike	Resident

**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)**

Cardinal Cove resident Jack Combes discussed a failed ficus hedge along the CDD and HOA line. He noted that the CDD generously replaced 50’ of the hedge three years ago. The decision was made not to remove the stumps and to move the new hedge 3’ toward the HOA

line. The new hedge is thriving; however, it was determined that the hedge was unknowingly planted on HOA property. Mr. Barrow recently determined that the plantings beyond those 50' have now failed. Extending the Clusia hedge along the HOA property another 50' and clearing the failed plantings along the CDD line was proposed. The question is, whether to continue with the existing hedge, because it is the same plant material, or stagger it and move the hedge back on CDD property. Given the issue of the CDD funding plantings on HOA property, the request is to continue the hedge line rather than staggering it 3' along the HOA property. There does not seem to be an issue with the hedge being on HOA property. Mr. Combes asked for the CDD to continue the existing hedge that is on HOA property, for aesthetic value, with the understanding that it would then be the HOA's responsibility to maintain it.

Mrs. Adams stated there is more than one hedge line in the area. She discussed the initial request to replace plantings on HOA property and stated she asked Mr. Cole to have the Operations Manager inspect the area, confirm the location of the CDD/HOA line, determine which hedges belong to the CDD and submit a report.

Mr. Combes stated, if the CDD chooses to stagger it, the HOA will take responsibility for sodding and planting the stagger. If the CDD chooses to continue onto HOA property, there will be no need for that. Mrs. Adams stated she advised Mr. Combes that the CDD cannot spend taxpayer funds on HOA property.

Mr. Cole stated he will meet with Mr. Barrow and inspect the area.

This item was tabled until the next meeting.

**THIRD ORDER OF BUSINESS****Quality Control Lake Report – Premier Lakes, Inc. (Alex Kurth)**

Mr. Kurth presented the Quality Control Lake Report and highlighted the following:

- Algae blooms increased significantly in the last month; 15 lakes were treated and all treatments were successful. Longer days and increased sunlight tend to increase algae growth, so the lakes will be monitored and treatments will be applied as needed.
- Efforts to bring torpedo grass under control are ongoing, with excellent improvement. Minimal torpedo grass is noted on open bare ground areas.

- Littorals are being treated selectively and significant improvement was noted; as little damage is done to beneficial littorals as possible.
- Submersed weeds are being monitored very closely, as they grow more in warmer weather. Illinois Pondweed in Lake 50-A is being monitored and will likely be treated in late March or April.

Mr. Christensen reported submersed weeds in Lake FC-4. Mr. Kurth stated it is likely Illinois Pondweed, which is very prevalent in the canal system. He will inspect and add it to the treatment schedule.

**FOURTH ORDER OF BUSINESS**

**Health, Safety and Environment Reports**

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.

Mr. Hennessey reported the following:

- Tree Canopy Trimming: No trimming was scheduled for January and February; however, Juniper began trimming early. Juniper is currently trimming fruited palms in CDD #1.

**A. Irrigation and Pressure Cleaning Efforts**

- Irrigation Projected Usage: Less than 2" of rain was received in January.
- Due to unusual cloud cover and lack of evaporation, there were six rain holds in the villages and six in the common areas. Total water usage was approximately 20 million gallons less than in January 2023.

Mr. Christensen noted that water usage in the villages and the common areas is approximately 4 million and 1.6 million gallons, respectively. He asked why Total Water Usage shown is approximately 35 million gallons. Mr. Benet stated, as was mentioned previously, the scheduled water usage from the central computer data is shown in the subtotals but the central computer does not record any unscheduled water usage. The only two ways to record usage are the central computer and the meters at the pump. The 4 million gallons of water usage shown for the villages only includes the central computer; leaks, stuck valves, wet checks,

battery timers, manual controllers and all other unscheduled usage is excluded. The totals will never be realistic until the system can register the total usage.

Mr. Adams stated it was determined that 35.806 million gallons of water left the pumphouses; the schedules were utilized to calculate how much the villages and common areas used. The difference of approximately 29 million gallons likely serviced all the single-family homes, over which Mr. Benet has no control. There is also an allowance for leakage. The golf course has a separate system not included in the totals shown.

- Satellites that failed to communicate were addressed. A radio wiring harness was replaced at a cost of \$212.33.
- Pressure Washing: Championship Drive was completed last month, as well as areas on Museo Circle, Mulberry Lane and the Marsh Cove entrance. Since the report was submitted, Mahogany and Montreaux were completed. Crews are now on Runaway Bay.

#### **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).

- Occupancy Report: Occupancy rose from 1,713 homes occupied to 2,285, an increase of approximately 33%.
- Gatehouses and Patrols: Sandpiper, Championship and the Main gates are operational 24 hours a day, seven days a week. There are two patrols per shift. The cupola on top of the Championship gate was painted; a photo is included in the agenda.

Mr. Slater reported a gatehouse electrical box that was left open to the weather and to animals.

#### **FIFTH ORDER OF BUSINESS**

#### **Developer's Report**

Mr. Haak responded to questions and discussed the following:

- Development continues in Oyster Harbor. The houses on Fanny Bay North should close and be delivered in the coming months; work will continue to Breton.

- Development continues in Dorado. Work will continue throughout the year, with multiple buildings being completed throughout that time.
- Work on the golf clubhouse is continuing.
- Preparatory work for golf course renovations commenced and work will begin in April.

Mr. Nuzzo commended The Foundation and Mr. Ledezma for the replantings in front of The Club, where the entire front was cleaned up; there is a perfect view of The Club when driving down Club Center Drive.

**SIXTH ORDER OF BUSINESS****Discussion/ Update: Litigation with CDD #2  
Regarding Traffic Signal Cost Sharing**

Mr. Schmitt stated he attended a mediation with a CDD #2 Board Member related to the Halvorsen \$200,000 contribution to CDD #2 for the traffic signal at Sandpiper Drive and US-41. He stated that CDD #1 offered to accept \$25,000 but CDD #2 turned down the settlement agreement, so litigation will proceed. In a Special Meeting, the CDD #1 Board voted to proceed with depositions and discovery. He stated that the continued litigation was precipitated by CDD #2, which filed a summary judgment because they claimed that CDD #1 did not budget the required amount to pay for its share of the traffic signal. There is a 50/50 cost share arrangement for the signal. CDD #2's position is that the contribution from Halvorsen, the Developer of the Publix plaza, belongs solely to CDD #2 and should not come off the top before the 50/50 split.

Mr. Christensen noted that CDD #2 is acting as project manager for the traffic signal and, in his opinion, chose to deviate from the agreement stipulating the 50/50 cost share. He stated that CDD #2 filed an anticipatory lawsuit claiming that CDD #1 would not pay its share, which he feels is unreasonable because money was budgeted for the expense. He thinks the situation is messy and unfortunate but the decision was made to take the next step in litigation.

Mr. Weinberg voiced his opinion that the two CDDs have wasted approximately \$70,000 on this lawsuit and the legal costs keep accruing and the only ones benefitting are the attorneys.

It was noted that Mr. Haak and Mr. Pires are not a part of this particular litigation.

This item will remain on the agenda.

**SEVENTH ORDER OF BUSINESS**

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

Mr. Cole responded to questions and discussed the following:

- Approval of the traffic signal was received. Shop drawings for the mast arms and the controller, the two longest lead items, were approved. He called the contractor twice to ask the status but has not heard back yet.

Mr. Schmitt noted that, once installed, traffic signals are typically not fully functional for 60 to 90 days. He thinks that the traffic signal will probably take one year to be operational. Mr. Cole replied affirmatively.

- He and Mr. Schmitt will inspect potholes on Championship Drive and request proposals for repairs at two or three locations. Three catch basin tops in need of replacement will be inspected.

Mr. Schmitt stated the catch basin tops are on Mulberry Lane and Mulberry Court.

- He will meet with Mr. Barrow regarding the Cardinal Cove buffer area.
- At Mrs. Adams' request, an area by the benches along the Parkway to the west of the club will be inspected for potential paver repairs.

Mr. Schmitt stated the bench on Fiddler's Creek Parkway needs repairs due to tree roots and the Americans with Disabilities Act (ADA) mats at the crosswalks also need to be checked for trip hazards, particularly at Runaway Bay. Mr. Cole will inspect these areas.

- Mr. Bob Ferguson, his firm's inspector, will meet with Landshore Lake Restoration to inspect areas in Whisper Trace, Cardinal Cove and Hawk's Nest. At Mr. Christensen's request, Runaway Bay will be reinspected. A proposal will be presented at the next meeting.

- Regarding the pumphouse, work is underway to obtain the building permit. The contract was signed last month. The contractor advised that the permit cannot be obtained unless truss drawings are submitted and the drawings cannot be prepared unless a \$55,000 deposit is made; the deposit will be cost-shared with CDD #2.

**On MOTION by Mr. Slater and seconded by Mr. Weinberg, with all in favor, authorizing payment of CDD #1's portion of the \$55,000 deposit, was approved.**

Mr. Christensen recalled discussion about drainage from private roads dedicated to the CDD. Mr. Cole recalled a question about Whisper Trace, which is a Site Development Plan, not a plat. Advised that the question relates to Runaway, Mr. Cole will review the plat and advise.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Carter Fence Company, Inc. Estimate #53233 to Repair Perimeter Fence**

Mr. Slater presented Carter Fence Company, Inc. Estimate #53233 to repair the perimeter fence. It was noted that two trees growing into the chain-link fence will be flush cut.

**On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, Carter Fence Company, Inc. Estimate #53233 to repair the perimeter fence, in the amount of \$6,160.68, was approved.**

**NINTH ORDER OF BUSINESS**

**Discussion: Interlocal Agreements with CDD #2 [Irrigation Distribution Lines]**

Mr. Schmitt stated he asked for this item be included on the agenda for consideration; however, some pages from the Interlocal Agreement are missing. He asked how the costs are allocated. Mrs. Adams stated the costs are split 55/45, based on the number of units. Mr. Adams stated the allocation is adjusted each budget year, whenever the units change.

Mr. Schmitt stated the Agreement needs to be updated to include the correct CDD boundary and to reflect that the CDDs no longer pay for access control, which is now paid for by The Foundation. The Agreement states that it renews automatically but he believes that both CDDs should update the Agreement, which addresses payment for the water utilities for the secondary water system and includes the old CDD boundaries, dating back to 2007.

Regarding updating the Agreement, Mr. Pires believes an Amended and Restated version would be appropriate. Mrs. Adams thinks an Amended and Restated version is in effect;

several years ago, the Agreement was amended to be specific to the pump stations. Mr. Schmitt stated that was the 2014 Amendment, which is not included in the agenda.

Mrs. Adams will email the Agreement and Amendments to the Board and Staff.

Mr. Pires will review the Agreement, amend the boundaries and eliminate access control. Mrs. Adams will email the updated version to the Board and Staff.

Regarding the annual calculation, Mr. Adams stated the information is provided by the Property Appraiser; the number of platted and planned units can change from year to year. The overall Cost Sharing Agreement is a separate document and addendums have been added over the years. Mr. Adams will email these to the Board Members.

**TENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of January 31, 2024**

- **Breakdown**

The Financial Highlights Report was distributed.

Mr. Christensen believes that, at the last meeting, the \$186,000 “Due to Fiddler’s Creek CDD #2” was said to be related to the pump station. He noted that the amount is now \$178,000 and asked if that means that two payments were made.

Mrs. Adams stated that an initial 50% payment was made and, upon completion, another payment was made. Mr. Christensen noted that nearly \$500,000 was paid. Mrs. Adams stated that is correct; it was a budgeted expense.

Mr. Weinberg asked if the “Assigned Fund balance” on Page 3 needs to be corrected. Mr. Adams replied affirmatively.

Mr. Slater expressed concern that the CDD is at 84% of budget for “Road maintenance” and stated he would like to ensure that adequate funds are budgeted for all Engineering projects. Mrs. Adams stated funds can be allocated from Unassigned Fund Balance or projects can be postponed to the following year.

The financials were accepted.

**ELEVENTH ORDER OF BUSINESS**

**Approval of January 24, 2024 Regular Meeting Minutes**

Discussion ensued regarding Mr. Parisi's comments about the north marina construction, which is not on CDD property. The consensus was that the lines will be deleted as the Isles of Capri development does not pertain to CDD #1.

The following change was made:

Lines 117 and 118: Delete entire sentence

**On MOTION by Mr. Weinberg and seconded by Mr. Slater, with all in favor, the January 24, 2024 Regular Meeting Minutes, as amended, were approved.**

**TWELFTH ORDER OF BUSINESS**

**Action/Agenda or Completed Items**

Items 7, 8, 9 and 10 were completed.

Item 1: Mr. Parisi stated that he and Mr. Haak will schedule a time to discuss the matter.

Item 3: A plat amendment is required.

Resident and Mulberry Road Village Association President Mike Cote noted that, per Line 400 of the January Meeting Minutes, the Board tabled the last piece of gutter repair until a tree is removed. He reported that the last tree is now gone and a lot of progress has been made to remove trees. The homeowners and the Design Review Committee (DRC) have been cooperating and getting approvals processed; out of 100 troubled trees, 18 were removed or approved for removal, so progress is being made. He thinks the homeowners are doing their part. Mr. Schmitt stated Mr. Cole needs to provide an estimate and voiced his disagreement with an estimate reporting that a particular repair needs to come out 7'. He suggested Mr. Ferguson inspect the area. Mr. Cote stated the location address is 7666 Mulberry Lane.

**THIRTEENTH ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Pires stated, since Bond Counsel advised there were no adverse consequences, Staff authorized the release and recording of the Warranty Deed for the 20' strip in Hidden Cove and

the Exchange Agreement was executed. When replatting occurs, the CDD will receive the 20' strip in Hidden Cove.

- **Discussion Regarding Agreement for Access and Construction [Basins I, OH, A1, B1, C, H2, H3]**

**NOTE: This document is a draft; exhibits are pending; final version is awaiting Developer review**

Mr. Pires presented the Agreement for Access and Construction to be entered into by both CDDs, which he recommended and discussed at the last meeting. He noted that some exhibits are pending and discussed some information that is needed, including each CDD's affected property, easements impacted and the commencement dates.

Mr. Haak stated that he reviewed the document and has a few minor issues. Mr. Pires asked Mr. Haak to provide his concerns in advance of the next meeting.

Mr. Slater expressed concern about access points needed over CDD property and the golf course during construction. He thinks the District Engineer should be made aware of the access points and the CDD be held harmless and that there should be a plan for restoration in the event of damage. He stated that the Golf Course is scheduled to be open on April 1, 2024.

Mr. Pires noted that a Permit Modification from the South Florida Water Management District (SFWMD) is also needed.

Construction, access and the need for the Developer and District Engineer to coordinate the project were discussed.

Mr. Pires stated he wants to present the Agreement for approval at the next meeting.

Mr. Weinberg recalled discussion about the need for Supervisors to complete four hours of ethics training by December 31, 2024 and stated that Supervisors received an email from the Florida Association of Special Districts (FASD). The Florida Commission on Ethics courses are free and the organization is the authoritative source on application of the Florida Statutes.

Mr. Adams will email the Memorandum with links to courses to Board Members.

Discussion ensued regarding Mr. Slater's intention to resign and the upcoming election.

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

- **NEXT MEETING DATE: March 27, 2024 at 8:00 AM**

○ **QUORUM CHECK**

All supervisors confirmed their attendance at the March 27, 2024 meeting.

Mrs. Adams asked for the May 22, 2024 meeting to be moved to May 29, 2024.

**On MOTION by Mr. Slater and seconded by Mr. Weinberg, with all in favor, rescheduling the May 22, 2024 meeting to May 29, 2024, was approved.**

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

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**

Resident Jeff Crike stated the camera on Cherry Oaks has been removed for some time. Mr. Hennessey stated the cameras will be reinstalled within the next few days.

Regarding Cherry Oaks, it was noted that four speed tables were installed yesterday. Today, temporary paint, arrows and County-approved striping will be installed. Reflective tape was ordered to be installed on a permanent basis. Some temporary "Caution-Speed Humps Ahead" signs will be installed until the permanent signs arrive. The County will perform a final inspection.

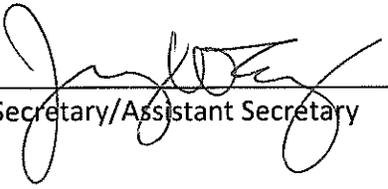
Regarding the previous discussion about water usage, Mr. Combes asked if single-family homes will have minimal control over use of water. Mr. Benet stated new single-family homes are all on the system, so the numbers are not exacerbated by new construction.

Mrs. Adams stated that the Bougainvillea beds are still being addressed.

**SIXTEENTH ORDER OF BUSINESS**

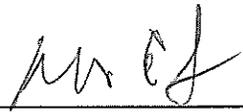
**Adjournment**

There being nothing further to discuss, the meeting adjourned at 9:07 a.m.



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Secretary/Assistant Secretary



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Chair/Vice Chair