

**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 May 29, 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
Aaron Haak	Fiddler’s Creek Deputy General Counsel
Jodi Benet	The Foundation Irrigation Manager
Bill Kurth	Premier Lakes, Inc.
Shannon Benedetti	Resident/Landscape Advisory Committee
Geoff Fitzgibbons	Resident and Cranberry Crossing President
Dennis Dowd	Resident
George Varianides	Resident
Elliot Miller	Resident
Joe Vacarro	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)

Mrs. Adams stated that resident Dennis Dowd submitted a comment card about weeds and Lake 30, which is part of the Lake Report. Mr. Dowd's comments were deferred to the Third Order of Business when the Report will be presented.

Resident George Varianides asked for a copy of the plat tract for Lake 30 at Montreux and verification that the CDD will be mowing and trimming the palms around Lake 30. Mrs. Adams recalled that the CDD took over the lake tract maintenance responsibilities in September, 2020; she verified that the CDD maintains the turf around the lake bank and the trees adjacent to Championship Drive and The Foundation is responsible for tree trimming, per the Agreement with the CDD.

Mr. Varianides was directed to inform Victor of any CDD tree maintenance issues so he can ask Juniper to address the problems, per the Agreement with the CDD.

THIRD ORDER OF BUSINESS

Quality Control Lake Report – Premier Lakes, Inc. (Bill Kurth)

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

- There are no significant issues, only changes expected this time of the year. The CDD took advantage of the Golf Course Superintendent's request to aggressively spray just above the lake banks to control torpedograss.
- Last week, a second application was applied in the FC1 through FC5 lake system and Lake #65 canal, which should show better results in another week.
- A quality control inspection will be performed after the meeting and any lakes needing Sonar® herbicide treatments will have it applied tomorrow.

Regarding the Sonar® application for Widgeon grass in Lake 30, in Montreux, there are no weed issues, they believe the vegetation there is the expectation of Fiddlers Creek and no action is recommend.

- The bullrush in Lake 38 was sprayed and ready to be removed.

Mr. Pires asked about work in Lake 11. Mrs. Adams stated that The Rookery engaged SOLitude to spray out the beneficial spikerush on its lakes; they are doing a reset on the lakes due to SOLitude's lack of controlling the invasive weeds. Mr. Kurth spoke to the Golf Course Superintendent and was advised that they are trying to reset their lakes.

Mr. Dowd distributed photographs showing the condition of the weeds around Lake 30 and voiced his opinion that it is not only the worst looking lake but the water levels are lower than other lakes. He offered to provide photographs of other CDD lakes to compare. Mrs. Adams identified the vegetation as beneficial spike rush, which is not a weed. It was noted that the CDD lakes are all interconnected, which addresses water levels. The littorals will not grow any higher than they are. Littorals are a requirement of the County for wildlife habitat and minimizing erosion. She noted that, if trimmed, they will grow back to the same level in a month's time.

FOURTH ORDER OF BUSINESS

**Health, Safety and Environment Reports
(Ryan Hennessey)**

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.

Mr. Hennessey reported the following:

- The 2024 hardwood pruning project was completed in April.

A. Irrigation and Pressure Cleaning Efforts

- Irrigation Projected Usage: Approximately one-tenth of an inch of rain was received in April, resulting in zero rain holds in the Villages and the common areas.
- Approximately 68 million gallons of water were used in April 2024, compared to 60 million gallons in April 2023.
- Irrigation Report: There were no major repairs in April. Some routine satellite communication failures occurred, typically caused by lightning.
- Mr. Benet is working on and assisting with the satellite location mapping with the companies. There is still no Assistant Irrigation Manager.
- Pressure Washing: Crews started in Cherry Oaks and, once finished, Club Center is next.

Mr. Hennessey is working on updating and distributing the schedule for 2025.

Mr. Christensen asked Mr. Hennessey to advise contractors working on the golf course to stop tracking dirt and debris from Fiddlers Creek Parkway, Majorca and Runaway down to

the storage area. Mr. Schmitt thinks the contractors should street sweep daily or, at minimum, once a week.

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.

- Occupancy Report: Occupancy from March to April decreased slightly, from 2,343 to 2,013, about a 14% reduction.
- Gatehouses and Patrols: Data remains unchanged. Sandpiper, Championship and the Main gates are operational 24 hours a day, seven days a week. There are two patrols per shift.
- Gatehouse Activity: Gate entries from March to April decreased by 6%, decreasing from approximately 92,000 to 87,000.
- Incidents: Incidents from March to April decreased significantly. Parking incidents decreased 62%; of the 63 parking violations, 44% were for parking on the street and, of that, 21% were pickup trucks, 14% club spot and 13% were parking on the grass. By-law violations pertained to outsiders fishing in the lake.
- Speed Detection and Enforcement: The portable speed detection device was in use throughout the community in Aviamar, Sandpiper, Championship, Marsh Cove and Oyster Harbor. One violation was observed on Cherry Oaks; in April, 47 violations were issued, 44 warnings were issued to first-time offenders and three repeat offenders were referred to the Fining Committee.
- The Collier County Sheriff's Office (CCSO) advised that there were 62 extra patrols, 20 medical calls, 13 accidental hang-up calls to 911, 13 alarm calls, seven traffic stops and four crashes.

FIFTH ORDER OF BUSINESS

Developer's Report

Mr. Haak responded to questions and reported the following:

- Construction continues in Oyster Harbor and in Dorado.
- Golf course construction work is ongoing.

- Work on the golf clubhouse construction continues.
- The master irrigation system project kickoff meeting was held. The first step of the project is mapping of the total system throughout the community, which is underway and will require input from the CDDs and the Villages. The next step will be the design phase and bidding.

Board Members voiced concerns about Mr. Cole assigning funds in the proposed Fiscal Year 2025 budget without having plans. Discussion ensued regarding coordinating the project with Mr. Benet, replacing the systems as they exist now, asking project vendors to provide a presentation on the plans, equipment and the responsibilities of each entity. Mr. Hack stated that the next steps, after mapping, will be the design phase and bidding process.

Mr. Cole presented the Irrigation costs for CDD #1, outlined in the District Engineer's proposed Fiscal Year 2025 budget behind the Tenth Order of Business, which he based on his knowledge and speaking to Mr. Haak, Mr. Benet and Consultant Russ Geiger. He split the overall \$135,000 cost in thirds, assigning \$45,000 each to CDD #1, CDD #2 and The Villages, respectively; the remaining amount is to cover observation, post-construction and planning and development during construction. CDD #1 is the first area to commence project.

Mr. Cole and Mr. Benet explained the irrigation system upgrade and benefits. Mr. Haak reviewed the proposed timeline, which is to have the design completed by early fall or no later than December 31, 2024, and then commence the bidding process in early 2025. Mr. Cole expects the entire CDD #1 project may be completed in 2026 or 2027.

Mr. Schmitt requested information to provide to residents about the benefits of these improvements, how much of the existing system is salvageable and can be incorporated into the new system and for project vendors to give a presentation to the Board. Mr. Christensen noted the overall cost to the homeowners is much higher, as The Villages will also have the additional expenses to tie into the system.

Mr. Varianides asked how they plan to assign costs to The Villages. Mr. Haak stated it will be determined by the specific parts, pieces and design requirements for that village.

Discussion ensued regarding issues with existing equipment, proposed irrigation improvements, Mr. Cole being involved in the overall process, looking for the best ways to optimize the system, saving money and the Request for Proposals (RFP) process.

SIXTH ORDER OF BUSINESS

**Discussion/ Update: Litigation with CDD #2
Regarding Traffic Signal Cost Sharing**

Mr. Schmitt stated that once deposition transcript of Mr. Miller, the CDD #2 Chair, is finalized it will be dispersed and presented to the Judge. The Bench Hearing is on June 25, 2024.

SEVENTH ORDER OF BUSINESS

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

A. Consideration of Collier Paving & Concrete Proposal for Championship Drive Pothole Repairs

Mr. Cole presented the Collier Paving & Concrete proposal for pothole repairs along Championship Drive. Asked if these areas include Fiddler’s Creek Parkway and the entrance to Montreux, which was done in the last patch, Mr. Cole replied no and advised the last patch for that area was completed two or three years ago. Considering other projects underway, it is his opinion that re-paving all of Championship Drive can wait a year or two.

Discussion ensued regarding the “Road Repairs” budget, project locations, having Mr. Cole inspect area west of Mulberry Lane for alligator cracking, expectation that the repair project will be scheduled in the next four to six weeks and ensuring that the prior project is scheduled simultaneously to limit mobilization costs.

On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, Collier Paving & Concrete, Divisions of Southern Striping Solutions, LLC, proposal for pothole repairs along Championship Drive, in a not-to-exceed amount of \$3,950, was approved.

B. Discussion: Line of Sight Report

Mr. Cole presented the Line of Sight Report and reviewed line of sight clearance requirements for plants and trees.

C. Consideration of GulfScapes Landscape Management Services Proposals #4730 - #4734 Regarding Landscape Line of Sight Concerns

Mrs. Adams presented GulfScapes Landscape Management Services Proposals #4730 - #4734, totaling \$14,400, which were sent to the Design Review Committee (DRC) for review and consideration and included in the Field Operations Report.

Discussion ensued regarding areas Mr. Cole identified as obstructed and that prevent safe passage, defining the CDD’s maintenance responsibility, frequency of scope, reasons why further trimming is not recommended in certain areas and why it needs to be replaced.

On MOTION by Mr. Slater and seconded by Mr. Weinberg, with all in favor, GulfScapes Landscape Management Services Proposals #4730 - #4734 for landscape line of sight repairs, in a not-to-exceed amount of \$4,400, subject to the DRC approving the landscape changes related to replacement materials, were approved.

Mr. Cole continued with the Engineer’s Report:

- Regarding lake bank restoration projects, Landshore Enterprises, LLC is working on Lake 9; once completed, they will proceed with the one near Cardinal Cove and the one north of Cherry Oaks Court.
- The Structural Engineer is reviewing the irrigation pumphouse truss drawings and, once approved, they will be resubmitted to the Building Department for the building permit.

EIGHTH ORDER OF BUSINESS

Continued Discussion/Update: Limited Cost-Sharing Agreement with Cranberry Crossing and Cherry Oaks HOAs [Speed Bump Project]

Mr. Pires asked if the Board approves of the reimbursement request from the Cherry Oaks and Cranberry Crossing HOAs, despite the speed bump being 4” versus the 3” that was permitted. He noted that the County and the Fire District approved it and Mr. Cole’s opinion is that this is acceptable. The second component to consider is the hold harmless indemnification Agreement, which he will send in PDF format for Mr. Fitzgibbons to e-sign.

Discussion ensued regarding modifying the Maintenance Obligations section in the Maintenance, Indemnification and Hold Harmless Agreement so that a Board Member of either Village, not a Registered Professional Engineer, will report annually on the condition of the

improvements and provide photographs to Mr. Cole, who in turn will tour those areas to validate the integrity of the structures and ensure it complies with the Development Order. The HOA’s will pay for the inspection cost.

On MOTION by Mr. Schmitt and seconded by Mr. Slater, with Mr. Schmitt, Mr. Slater, Mr. Badessa and Mr. Weinberg in favor and Mr. Christensen dissenting, the Limited Cost-Sharing Agreement with Cranberry Crossing Village Association, Inc., and Cherry Oaks at Fiddler’s Creek Condominium Association, Inc., for the Speed Bump Project, authorizing payment in a not-to-exceed amount of \$10,000, and the Maintenance, Indemnification and Hold Harmless Agreement, subject to the changes discussed, were approved. [Motion passed 4-1]

NINTH ORDER OF BUSINESS

Continued Discussion/Update: Marsh Cove Water Tunnel Project

Mrs. Adams stated that this topic is included in her Field Operations Report. She recalled that The Foundation offered to assist and the information was provided to Mr. Garcia for him to coordinate with Falcon Contractors, who is the same contractor the CDD contracted with in 2022; a response is pending. She emailed Mr. Haak and Mr. Parisi requesting further assistance in getting this project started.

TENTH ORDER OF BUSINESS

Consideration of District Engineer’s FY2025 Budget Items

Mr. Cole presented the District Engineer’s proposed Fiscal Year 2025 Budget and Shared CDD #1 and CDD #2 Cost Spreadsheets.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-03, Approving a Proposed Budget for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. Adams stated that he incorporated Mr. Coles’ figures into the proposed Fiscal Year 2025 budget. The proposed budget will be reviewed in detail at the June meeting.

District Staff responded to questions regarding several budget items and costs.

The following changes will be made to the proposed Fiscal Year 2025 budget:

Page 2, “Irrigation supply, Repairs and maintenance”: Add \$100,000 for “Gate Valve Replacement”

Page 5, “Water management, Other contractual”: Change “SOLitude Lake Management, Inc.” to “Premier Lakes, Inc.”

On MOTION by Mr. Weinberg and seconded by Mr. Badessa, with all in favor, Resolution 2024-03, Approving a Proposed Budget for Fiscal Year 2024/2025, as amended, and Setting a Public Hearing Thereon Pursuant to Florida Law on August 28, 2024 at 8:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2024-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date

On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, Resolution 2024-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date, was adopted.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2024

Mr. Christensen asked about the status of the “Due from developer” funds. Mrs. Adams will email Mr. Haak to check on the status.

- **Financial Highlights Report**

The Financial Highlights Report was distributed.

The financials were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of April 24, 2024 Regular Meeting Minutes

The following change was made:

Line 136: Change "treated" to "tested"

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

FIFTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Items 4, 5, 7 and 10, were completed.

Item 6: Mr. Cole will provide the project schedule to the Board and Staff.

Item 9: Mr. Cole is working on responding to the County's comments.

▪ **Acceptance of Resignation of Bob Slater from Seat 4**

This item was an addition to the agenda.

Mr. Slater tendered his resignation from the Board.

It was noted that the Board can consider appointing someone to fill the position until the November 2024 General Election.

The audience applauded Mr. Slater's more than 11 years serving on the Board.

The Final Financial Disclosure form will be emailed to Mr. Slater for him to file.

On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, the resignation of Mr. Bob Slater from Seat 4, effective today, was accepted.

Board Members were reminded to electronically file Form 1 by July 1, 2024.

It was noted that the candidate qualifying period runs from noon, June 10, 2024 to noon, June 14, 2024 for anyone interested in running for a seat on the Board in the upcoming November 2024 General Election.

Mr. Adams will email the new Rules that might go into effect if approved by the Governor.

The consensus was to announce the Board vacancy via e-blast for interested candidates to submit their letters of interest, qualifications and resumes to the District Manager no later than June 17, 2024; the e-blast will also announce the candidate qualifying period to run for a seat in the upcoming General Election.

SIXTEENTH 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

- **1,590 Registered Voters in District as of April 15, 2024**
- **NEXT MEETING DATE: June 26, 2024 at 8:00 AM**
 - **QUORUM CHECK**

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

The Monthly Field Operations Report was included for informational purposes.

SEVENTEENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Schmitt provided updates about the Fiddler’s Creek rezoning action, which, as a Planning Commissioner, he recused himself from the vote. A third meeting is scheduled on July 18, 2024.

EIGHTEENTH ORDER OF BUSINESS

Public Comments

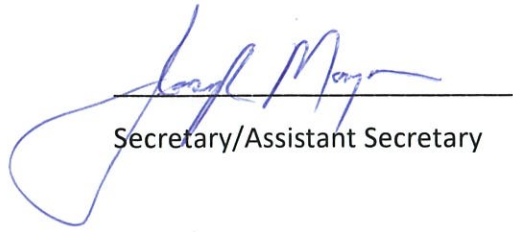
No members of the public spoke.

NINETEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 9:31 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair