

**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 July 24, 2024 at 8:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present were:

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| Joseph Schmitt | 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 |
| Tammy Campbell (via telephone) | McDermitt Davis |
| Jody Benet | The Foundation Irrigation Manager |
| Joseph Mayer | Resident |
| Alfred Noto | Resident and Montreux Board Member |
| Jack Combs | Resident |

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. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments: Non-Agenda Items (3 minutes per speaker)

No members of the public spoke.

THIRD ORDER OF BUSINESS

Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 4; Term Expires November 2024

- A. Thomas Hoel**
- B. Joseph Mayer**

Mr. Weinberg nominated Joseph Mayer to fill Seat 4. No other nominations were made.

On MOTION by Mr. Christensen and seconded by Mr. Badessa, with all in favor, the appointment of Mr. Joseph Mayer to fill Seat 4, was approved.

Mr. Schmitt stated that he, Mr. Mayer and Mr. Weinberg each submitted their paperwork to qualify as candidates in the upcoming General Election and all are unopposed. It made sense; therefore, to appoint Mr. Mayer to the vacant seat for which he will be elected.

FOURTH ORDER OF BUSINESS

Administration of Oath of Office (the following will also be provided in a separate package)

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Joseph Mayer. Having served on a CDD Board, Mr. Mayer is familiar with the following:

- A. Required Ethics Training and Disclosure Filing**
 - **Sample Form 1 2023/Instructions**
- B. Membership, Obligations and Responsibilities**
- C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers**

Mr. Pires discussed the Sunshine Law, Code of Ethics, public records law, ethics training courses available, completion deadlines and reporting completion of the requirement.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-05, Electing and Removing Officers of the District and Providing for an Effective Date

Mr. Schmitt presented Resolution 2024-05. Mr. Christensen nominated the following:

- | | |
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| Joseph Schmitt | Chair |
| Frank Weinberg | Vice Chair |

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|--------------------|---------------------|
| Joseph Badessa | Assistant Secretary |
| Torben Christensen | Assistant Secretary |
| Joseph Mayer | Assistant Secretary |

No other nominations were made.

This Resolution removes the following from the Board:

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| Robert Slater | Chair |
|---------------|-------|

The following prior appointments by the Board remain unaffected by this Resolution:

| | |
|------------------------------|---------------------|
| Chesley (Chuck)E. Adams, Jr. | Secretary |
| Craig Wrathell | Assistant Secretary |
| Craig Wrathell | Treasurer |
| Jeff Pinder | Assistant Treasurer |

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| <p>On MOTION by Mr. Christensen and seconded by Mr. Badessa, with all in favor, Resolution 2024-05, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.</p> |
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SIXTH ORDER OF BUSINESS

Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2023, Prepared by McDirmit Davis

Ms. Campbell presented the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2023 and accompanying disclosures. There were no findings, recommendations, irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit.

Mr. Christensen asked if there would be any merit to a merger between CDD #1 and CDD #2. Ms. Campbell stated that, because her firm does not conduct CDD #2’s audit, she is not as familiar with its activity but, in general, it would be a management decision as to whether combining the activity would be more efficient, given that the CDDs have similar purposes.

Mr. Christensen asked if there are any recommendations for areas in which the CDD can further strengthen the accounting principles applied. Ms. Campbell replied no; overall, controls were effective and her firm did not have any issues. From what they tested and looked at, everything looked good and clean, so there are no recommendations in that aspect.

**Consideration of Resolution 2024-06,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended
September 30, 2023**

**On MOTION by Mr. Weinberg and seconded by Mr. Schmitt, with all in favor,
Resolution 2024-06, Hereby Accepting the Audited Financial Report for the
Fiscal Year Ended September 30, 2023, was adopted.**

Mr. Weinberg commended District Management's Accounting staff in managing the CDD's accounting. The Board thanked Ms. Campbell for her presentation.

EIGHTH ORDER OF BUSINESS

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

Mr. Kurth's Quality Control Lake Report was included for informational purposes.

The consensus was that the Report identified no areas of great concern.

Mr. Weinberg noted that the lake between The Rookery and The Club is collecting debris. Mrs. Adams stated the contractor will be asked to address it.

Mr. Christensen reported the presence of Illinois Pondweed at the creek adjacent to Runaway. This item will be addressed.

NINTH ORDER OF BUSINESS

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

Mr. Hennessey reviewed the monthly PowerPoint presentation, which included reminders to submit questions, comments or concerns to Irrigation@Fiddlerscreek.com or Pressurewashing@Fiddlerscreek.com or directly to the Safety Department.

Mr. Hennessey reported the following:

➤ Tree Canopy Trimming: Juniper finished trimming the palms in CDD #1 on Sandpiper, from US-41 to Cranberry Crossing. No trimming is scheduled for July per the Arbor Schedule. Since the last meeting, Juniper trimmed the palms around the lake in Montreaux, as requested. Construction companies were advised to clean roads of construction debris. Some trimming will be done next month in preparation for installation of the holiday lights.

A. Irrigation and Pressure Cleaning Efforts

- Irrigation Projected Usage: Approximately 18.5" of rain was received in June, compared to 1.5" in May. There were six rain holds in the villages and five in the common areas.
- Approximately 49.6 million gallons of water were used in June 2024, compared to 50.2 million gallons in May 2023.
- Irrigation Report: There were several satellite communication failures. A cabinet was knocked over at the 1-7 Satellite; Mr. Benet repaired it at no cost to the CDD.
- Pressure Washing: Crews completed Hawk's Nest, Cardinal Cove, Deer Crossing and Cotton Green in CDD #1. Crews are currently working in Marsh Cove and Aviamar will be next.

Mr. Weinberg asked if the new machine is performing as expected. Mr. Hennessey stated he was not here when it was obtained but it is working as well as it should.

Mr. Schmitt recalled an instance in which almost 4" of rain was received one evening and the sprinklers were on overnight and asked when the decision is made to place a rain hold. Mr. Benet stated that he will decide to hold irrigation when enough rainfall is received and he has not run irrigation frequently this month. Asked why there were no drainage issues, he stated the soil could be seeping or there could be a faulty battery timer.

Discussion ensued regarding the location in question on a center median near Mulberry on Championship, power outages, lightning strikes and communication failures.

Mr. Benet stated there are no rain sensors in the area in question; those areas have issues. Mr. Barrow stated those beds do not percolate; there is no good inexpensive solution.

Mr. Benet stated that water conservation is his top priority.

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 May to June decreased from an average of 1,457 to 974, approximately a 33% 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 May to June decreased by 33%, decreasing from approximately 61,000 to 40,000.

➤ Incidents: Most violations decreased but By-Law violations increased due to fishing violations related to guests entering the community. Resident complaints included suspicious person calls, flooding, wild animals, etc. Sheriffs are contacted when necessary.

Mr. Hennessey stated that those who damage gate arms are generally caught; charges to damages can be substantial. Mr. Christensen asked why the Championship exit gate arm has been out of service for a long time. Mr. Hennessey stated Mr. Renaud is working to have the contractor supply a new motor. Asked if two gate arms are necessary, Mr. Hennessey stated the second gate slows traffic and provides greater plate reader accuracy.

Mr. Christensen asked what is done about boat and street parking. Mr. Hennessey stated that tickets are issued; parking is the greatest incident category and fines are issued to repeat offenders. Asked if a recent ruling precludes fines, Mr. Haak stated that is not the case. He stated that the recent far-reaching changes to State laws have led to a holistic review of policies. Until new documents are prepared, The Foundation is acting in accordance with current laws. Pickup trucks are not being issued violations at this time; new documents might be presented at The Foundation's first fall meeting, if not sooner.

Resident and Montreux Board Member Al Noto stated the Statute applies to vehicles with two axles, up to 26,000 pounds which would include an RV or a small bus.

Discussion ensued regarding some matters that came before the Fining Committee but were disposed of due to the legislative changes.

➤ Speed Detection and Enforcement: The portable speed detection device was in use throughout the community. Of the 16 violations in June, nine were first time offenders who received written warnings; seven repeat offenders were referred to the Fining Committee.

➤ The Sheriff's Office advised that there were 58 extra patrols, 17 alarm calls, 16 accidental 911 calls (hang-ups), 12 medical calls, three animal complaints and one traffic stop.

TENTH 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 and progressing nicely.
- Work on the golf clubhouse construction continues.

➤ The master irrigation system project will address the issues Mr. Benet discussed, such as rain holds, water conservation and the lack of rain sensors. Surveying and mapping are progressing in approximately 70% of the areas.

The consensus was for Mr. Haak to invite the Irrigation Consultant to speak at the September meeting.

Mr. Schmitt stated that the back half of Marsh Cove is not a CDD road but a second lift of asphalt is pending. Mr. Haak stated it will be done when construction activity is completed.

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

Mr. Schmitt stated that a hearing was held on June 25, 2024 regarding the motion for Summary Judgment filed against CDD #1. CDD #2 accused CDD #1 of not budgeting for monies they anticipate will be owed to CDD #2 for the traffic signal and sought assurance that such money would be available; the motion was denied by the Judge. He discussed an implied ruling that there was never any determination as to gross versus net costs regarding the 7-ELEVEN and the Halvorsen contributions. CDD #2 then held a Special Meeting and sent an offer for CDD #1 to settle for \$25,000, which was the amount first offered at mediation months earlier. He would like to discuss this with the Board but his comment to the attorney was that this ship has sailed; he will participate in a non-binding arbitration scheduled on August 7, 2024. He stated his understanding that only one person can call in and noted that CDD #2 had two people call in. Mr. Adams stated that additional participants listened only. Mr. Schmitt stated he will seek clarity regarding whether additional participants can listen in.

Mr. Schmitt reiterated that this matter could have been settled months ago and would have avoided more money being spent on legal fees. He believes that CDD #2 realizes that its claim against CDD #1 is not valid. He believes that CDD #1 will prevail in non-binding arbitration; if the parties do not agree, the matter will go to court.

Discussion ensued regarding the response to CDD #2, legal fees paid thus far, additional legal fees anticipated, whether a counteroffer can be made, non-binding arbitration processes, and the possibility of litigation and more legal fees if the parties fail to reach an agreement.

On MOTION by Mr. Weinberg and seconded by Mr. Badessa, with all in favor, endorsing the Chairman's response to CDD #2, was approved.

TWELFTH ORDER OF BUSINESS

Engineer's Report: Hole Montes, a Bowman Company

Mr. Cole reported the following:

- Lake erosion repairs are ongoing at a lake to the east of Bellaggio and at a lake to the west of Mulberry. Sacrificial bags will likely not be installed nor sod installed until November due to water levels after months of heavy rains.
- ADA mat repairs were made and will be inspected before invoices are approved. Additional areas requiring mat were painted. Additional areas of concern will be referred to the inspector. A proposal will be requested from Collier Paving for mats and sidewalks, once the list is complete.
- Approximately ten catch basin tops were replaced.

Mr. Cole stated emails were received asking the Board to consider installing a "No Parking" sign by the Cherry Oaks Trail island, where landscaping trucks have been parking. Mrs. Adams recalled that the Board previously considered the matter and did not want more signage.

Mr. Hennessey suggested contractors be asked to park on the side; he noted that the many wide driveways on Cherry Oaks limit parking options for contractor vehicles.

- He will follow up with Mrs. Adams and Collier Paving regarding a proposal for valley gutter repairs previously approved by the Board to be done after a tree removal on Mulberry.
- He spoke with Alex DeMarco, of Collier Paving, regarding a proposal requested for repair of a few potholes on Championship Drive.

It was noted that four to five small potholes need to be repaired to prevent spalling. Mr. Cole stated repaving can wait a little longer, given that the cost of repair is a few thousand dollars and the cost of repaving is several hundred thousand dollars.

The consensus was that repaving might be considered in 2026.

The Board and Staff discussed a \$4,000 contract for paver block repairs for the bench on Fiddler's Creek Parkway. Mrs. Adams discussed the difficulty locating contractors and stated

that LandCare used to do these types of projects; root barrier is needed. Processes for locating contractors and piggyback bids were discussed. Mr. Cole will look into options in this regard.

- It is hoped that the building permit for Pumphouse #2 will be received very soon; once received, the roof replacement will be completed.
- Emergency truss repairs were completed on Pumphouses #3 and #4. A proposal was requested for the roof repair.
- There is no change to the Traffic Signal schedule; site work is still scheduled to begin in October 2024. The mast arms and controllers are expected to be delivered in November 2024; the Traffic Signal is expected to be operational by the end of December 2024.
- The County submitted some minor comments regarding the guardrail insubstantial change. A response will be sent and approval is expected in a few weeks.

Resident Jack Combs asked if the lakeshore work on the west side of Cardinal Cove will be done before the fill work. Mr. Cole stated the permanent bags are being installed at the lower levels deeper in the lake. The last bag installed, known as a sacrificial bag, is to be pumped full of sand. The bag will be cut and the sand spread out at a maximum 4:1 slope for sod installation. Crews will install the bags but will not cut the sacrificial bags or install sod until water levels recede.

Discussion ensued regarding the project, installation of pipes and a proposal from Aquamatics to restore an irrigation line in October. Mr. Combs noted that the Aquamatics work might need to be postponed and that the irrigation system is currently inoperable; irrigation will be needed when the rain stops and it was hoped that the work would be done in August. Mr. Cole stated he does not know why the extension of yard drains would be delayed to impact their project but he will find out.

Mr. Schmitt asked about new legislation related to water quality standards and bank erosion reporting. Mr. Pires stated a Report was sent to Collier County; no response was received.

Mr. Schmitt asked about an area where digging for a new control valve on the southeast side of Mulberry resulted in the need for landscaping. Mr. Benet stated that Aquamatics dug in the area of the sewer force main.

Mr. Barrow stated he will provide a proposal for philodendron.

- A. #4781 (\$6,821)**
- B. #4782 (\$20,808)**
- C. #4783 (\$33,123)**
- D. #4784 (\$16,929)**
- E. #4785 (\$11,974)**

Mrs. Adams presented multiple proposals for removal and replacement of Ficus in various locations, noting that the total cost for the proposals presented is approximately \$90,000. The total cost for remaining Ficus replacement throughout the CDD, at an estimated cost of \$275,000, can be done in phases.

The Board and Staff discussed the proposals, maps and photographs, funds available and whether to utilize unassigned fund balance. The consensus was to prioritize projects based on greatest need and Mr. Barrow's recommendation.

On MOTION by Mr. Weinberg and seconded by Mr. Christensen, with all in favor, Gulfscapes Landscape Management Services Ficus Estimates #4784, in the amount of \$16,929, and #4785, in the amount of \$11,974, were approved.

Mr. Schmitt commended Mr. Barrow on his restoration of the health of the Ficus on the Parkway southbound and suggested they only be replaced if they deteriorate.

Mr. Weinberg voiced his opinion that the line item for the project should be increased from \$195,000 to \$250,000.

FOURTEENTH ORDER OF BUSINESS

Discussion: Deer Crossing Buffer

Mr. Badessa expressed concern about roots intruding into the buildings, given the presence of air conditioning and gas lines under the buildings. He suggested the CDD cut the Ficus trees and roots on the CDD side to minimize damage, as it has been an ongoing issue. He suggested Mrs. Adams or Mr. Barrow coordinate with the HOA landscaper, as he has been proactive and attentive to issues, and the CDD does not want to hit any of those lines.

Mrs. Adams stated the CDD will not go onto HOA property but the HOA has the right to resolve the issue.

Discussion ensued regarding the property line, the 26-year precedent of the CDD maintaining from the stone walkway to the street and the boundaries shown on the GIS system.

Mrs. Adams stated the CDD can install root barrier on the CDD side of the property line; locates will be contacted on the CDD’s side of the berm.

On MOTION by Mr. Weinberg and seconded by Mr. Christensen, with all in favor, authorizing Gulfscapes Landscape Management Services to submit a proposal to cut the roots and install root barrier on CDD property to avoid any further encroachment into Deer Crossing, was approved.

FIFTEENTH ORDER OF BUSINESS

Consideration of Goals and Objectives Reporting [HB7013 - Special Districts Performance Measures and Standards Reporting]

Mr. Schmitt thanked District Management for developing this document which meets the Statutory requirements.

On MOTION by Mr. Weinberg and seconded by Mr. Schmitt, with all in favor, the Goals and Objectives and the Performance Measures/Standards & Annual Reporting form, as presented, were approved.

SIXTEENTH ORDER OF BUSINESS

Continued Discussion: FY2025 Budget

Mr. Weinberg reiterated his request for the “Landscaping - Improvements and renovations” line item to be increased from \$195,000 to \$250,000.

Mr. Adams highlighted changes to high cost items related to “Irrigation” and “Roadway services - Capital outlay” and stated that, with the additional increase, assessments will increase to slightly over \$1,700, which would equate to an assessment increase of approximately \$155 per unit, compared to Fiscal Year 2024.

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

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

Page 2, “Landscaping, Improvements and renovations”: Change “195,000” to “250,000”

FIDDLER’S CREEK CDD #1

July 24, 2024

Mrs. Adams stated that no motion is necessary; the change will be made to the proposed Fiscal year 2025 budget, which will be presented at the Public Hearing next month.

Mr. Adams stated that Mailed Notices will be sent to inform property owners of the assessment increase.

SEVENTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2024

- **Financial Highlights Report**

The Financial Highlights Report was distributed.

The financials were accepted.

EIGHTEENTH ORDER OF BUSINESS

Approval of May 29, 2024 Regular Meeting Minutes

The following changes were made:

Line 101: Change “Christiansen” to “Christensen”

Line 193: Change “Site” to “Sight”

On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, the May 29, 2024 Regular Meeting Minutes, as amended, were approved.

NINETEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Items 7, 8, 9, 10, 13, 14, 15 and 16 were completed.

Item 3: The project is under contract.

Item 11: The presentation will be held in September.

Mr. Christensen asked for the status of the “Due from developer” funds reflected on the Balance Sheet.

Mr. Adams noted that the Bank United account earned \$12,000 interest in June.

TWENTIETH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires reported the following:

- A template for Public Records Exemptions was created to remain consistent with recent legislative changes, in light of amendments to the list of exempt individuals.
- Recent Amendments to the Consultants Competitive Negotiation Act have increased the cumulative level for continuing contracts from \$4 million to \$7 million, and added an annual Consumer Price Increase (CPI) adjustment.

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

- **NEXT MEETING DATE: August 28, 2024 at 8:00 AM [Adoption of FY 2025 Budget]**
 - **QUORUM CHECK**

Supervisors Badessa, Christensen, Mayer and Weinberg confirmed their attendance at the August 28, 2024 meeting. Supervisor Schmitt will attend via telephone.

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

The Monthly Field Operations Report was included for informational purposes.

Mr. Weinberg noted that the Report indicates that the Premier Lakes Aquatic contract expires in February 2025 and suggested a motion to extend the contract, as the contractor will hold the price for an additional two years.

On MOTION by Mr. Weinberg and seconded by Mr. Schmitt, with all in favor, extending the Premier Lakes/Wetland Aquatic contract, which expires on February 28, 2025, for an additional two years, at the same price, was approved.

TWENTY-FIRST ORDER OF BUSINESS

Supervisors’ Requests

Mr. Weinberg asked why the lake fountains have been out of order for several weeks. Mrs. Adams stated she was never informed; she will look into the issue.

TWENTY-SECOND ORDER OF BUSINESS

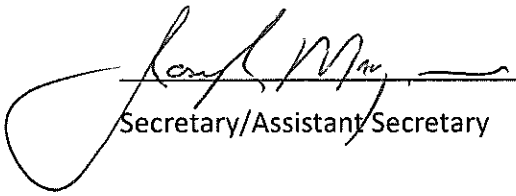
Public Comments

No members of the public spoke.

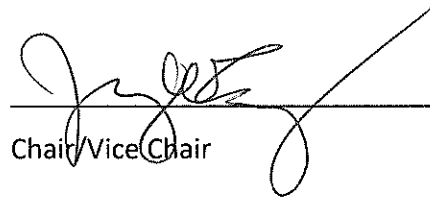
TWENTY-THIRD ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 9:43 a.m.



Secretary/Assistant Secretary



Chair/Vice Chair