

**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 Public Hearing and Regular Meeting on August 28, 2024 at 8:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present were:

Joseph Schmitt (via telephone)	Chair
Frank Weinberg	Vice Chair
Torben Christensen	Assistant Secretary
Joseph Badessa	Assistant Secretary
Joseph Mayer	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
Jody Benet	The Foundation Irrigation Manager
Bill Kurth	Premier Lakes, Inc.
Deborah Maher	Resident
Jack Combes	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 8:00 a.m. Supervisors Weinberg, Christensen, Badessa and Mayer were present. Supervisor Schmitt attended via telephone.

On MOTION by Mr. Christensen 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.

Mr. Schmitt was disconnected.

SECOND ORDER OF BUSINESS

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

Resident Jack Combes discussed the lake bank remediation projects on Lake #16 in Cardinal Cove. He stated that, following a walkthrough, Mr. Mike Jervik, of LandShore, flush cut several bushes growing in the lake close to the water that will be covered by sand on CDD property and advised that he does not have the equipment to remove the stumps.

The Board directed Mr. Kurth to treat the stumps to prevent regrowth of the bushes. Mr. Combes will assist by identifying the areas to be treated.

Referring to a photo, resident Deborah Maher noted a maintenance issue with clippings from a large Ficus hedge on Championship being blown into Montreux. Mr. Barrow stated that he is looking at the area and will ensure the issue is addressed. Referring to a map, Ms. Maher discussed an unmaintained property behind Montreux. Mrs. Adams stated the area indicated is not CDD property; it belongs to The Rookery. It was noted that wildlife observed in the area includes bears, panthers, pythons and alligators. Mrs. Adams stated Ms. Benedetti and others are aware of this and suggested Ms. Maher have her HOA notify The Rookery.

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:

- Crews were hampered by high water levels, rains and golf course construction. Access to lake edges has been difficult; last week, a crew had to leave due to thunderstorms.
- Many of the lakes look good. The biggest problem is vegetation floating in from CDD #2; Water Lettuce is floating into CDD #2 from the County canal. Mr. Kurth called CDD #1's lake vendor so that they can work together to address the problem.

Mrs. Adams stated that she asked the County to treat the Water Lettuce on numerous occasions but it is not invasive so the County will not treat it.

Mr. Kurth stated that, years ago, County property had a weed barrier but it was removed during some reconstruction. The issues seem to stem from rainfall; spraying is ongoing and seems to be working. Mrs. Adams asked Mr. Kurth to speak with The Rookery regarding floating vegetation in The Rookery lake by The Club and Spa.

- Floating vegetation, including Duckweed, Water Lettuce and Water Hyacinth, are being treated in Lakes 50A and 50B. Duckweed has spread through some of the big littoral shelves on the golf course; wetland teams will selectively treat these areas when water levels drop.

FOURTH ORDER OF BUSINESS

Health, Safety and Environment Reports
(Ryan Hennessey)

Mr. Hennessey reviewed the monthly PowerPoint presentation, which includes 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: Per the Arbor Schedule, no July trimming is scheduled in CDD #1. Palm trimming began in August.

A. Irrigation and Pressure Cleaning Efforts

➤ Irrigation Projected Usage: Approximately 15.8" of rain fell in July, compared to 18.6" in June. There were eleven rain holds in the villages and ten in the common areas.

➤ Water Usage: July 2024 usage was approximately 32.7 million gallons, compared to 60.5 million gallons in July 2023.

➤ Irrigation Report: A community-wide power outage resulted in numerous communication failures on July 12, 2024 that the Irrigation Manager addressed. A communication failure occurred on July 1, 2024 and a bad radio and a bad power supply were replaced at a cost of \$563.79. Another radio was replaced at the Fourth Tunnel on July 12, 2024; a backup radio is in use and the original radio was sent in for repair.

Mr. Christensen asked how much water is being used and anticipated usage when Oyster Harbor, Marsh Cove and the other areas are built out. Mr. Haak did not know; he will make sure it is in the Irrigation Consultant's presentation. Asked if golf course irrigation is included in the Fiddler's Creek allocation, Mr. Haak and Mrs. Adams stated that it is not.

➤ Pressure Washing: Crews completed Marsh Cove last week and are back working in Aviamar, where the sidewalks were completed recently. When marquees, signs, curbing and benches are complete, crews will return to Fiddler's Creek Parkway. The map was updated.

B. Security and Safety Update

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

FIDDLER'S CREEK CDD #1

August 28, 2024

- Occupancy: Average weekly occupancy decreased from 974 in June to 958 in July.
- Gatehouses and Patrols: The second Championship gate arm was installed. The Road Patrol shut down the boardwalk on various days due to flooding.
- Gatehouses: Total entries for all three gatehouses were over 40,000, June to July 2024.
- Incidents: By-Law violations mainly related to fishing decreased dramatically. Staff has been proactive and is speaking with offenders. Medical and parking incidents are about the same as last month. Parking violations are mainly for overnight parking; repeat violators were sent to the Fining Committee. Officer observations and resident complaints increased slightly. Resident complaints are often about street flooding; officers clean storm drains if they can.
- Speed Detection and Enforcement: The portable speed detection device was in use throughout the community. Three violations occurred in Cherry Oaks, despite the installation of four speed humps. Of the 18 violations in July, 16 were first-time offenders and received written warnings; two repeat offenders were referred to the Fining Committee.
- The Collier County Sheriff's Office (CCSO) advised that there were 43 extra patrols, 16 alarm calls, 23 accidental calls to 911 (hang-ups), 11 medical calls, two animal complaints, 2 DUIs, 1 traffic stop/crash and 1 burglary to a vehicle in which an arrest was made.

FIFTH ORDER OF BUSINESS

Developer's Report

Mr. Haak responded to questions and reported the following:

- Development continues in Oyster Harbor and in Dorado.
- Work on the golf course is ongoing, although work has been hampered by weather.
- The Golf Clubhouse remains under construction.

Mr. Weinberg noted that delays are due to rain and asked how long materials will be stored on the golf course for the golf course construction. Mr. Haak stated that the time is solely dependent upon weather; work will be completed well in advance of it being opened. The original estimate was that it will be completed in late September or early October. He has not received an adjustment but anticipates completion before the beginning of season.

Mr. Christensen asked for the timeline for demolition of the golf cart barn. Mr. Haak stated that permitting is complete and planning is underway. He anticipates that it will have commenced by the next meeting. Mr. Haak stated that he is unsure what will be done with the restroom facility currently used by tennis players. The demolition is one phase of projects to be

completed, some of which are still in permitting, and bids and contractors are being secured. The current plan provides for additional parking in the location of the cart barn.

Mr. Pires discussed the Grant of Access for the construction and noted that no completion date for the project has been approved, so an extension is not necessary.

SIXTH ORDER OF BUSINESS

Discussion/Update: Results of Non-Binding Arbitration and Discussion of Next Steps Related to Summary Judgement Hearing Scheduled for September 25, 2024 at 2:00 PM

Mr. Weinberg stated a non-binding arbitration hearing related to the litigation involving CDD #1 and CDD #2 was attended by Mr. Elliot Miller and Mr. Schmitt. An Executive Session will be held on September 6, 2024 at 8:00 a.m., to discuss next steps. Mr. Adams stated that a Summary Judgement Hearing is also scheduled for September 25, 2024 at 2:00 p.m.

SEVENTH ORDER OF BUSINESS

Engineer's Report: Hole Montes, a Bowman Company

Mr. Cole stated that a Change Order related to ongoing lake erosion repairs on Lake 16, between Cardinal Cove and Mulberry Lane was received too late for inclusion in the agenda. Additional repairs are needed; in some cases, two and three permanent geotubes are necessary. The Change Order is approximately \$24,000; repairs cannot be completed immediately due to the water levels. This item will be included in the next agenda.

Mr. Cole reported the following:

- The Mulberry Lane valley gutter was replaced; the area was milled and paved.
- Work for the traffic signal is expected to be completed in November or December 2024.
- The building permit for Pumphouse #2 is expected this week, according to the contractor. The new roof should be completed by the end of October.
- After delays and rechecking of documents, approval to proceed with the paver block repair on the east side of Club Center Drive south of the Club Center has been received. It is hoped that work will be complete in the next month.
- A proposal for additional sidewalk repairs will be requested. CDD #1 was inspected to determine which sidewalks need to be ground down to address tripping hazards.

- The permit was approved for the guard rail removal.

Mrs. Adams reviewed the Board's previous approvals related to the proposal, including the Whisper Trace Parkway guardrail, and noted that, when the Design Review Committee (DRC) issues approval, the project can proceed.

- The potholes along Championship Drive were repaved.

Mrs. Adams recalled that Mr. Cole was going to call for A/C and gas line locates for Deer Crossing. Mr. Cole noted that a contractor generally calls for locates. Mr. Barrow stated that he works on root barriers in the area; at the appropriate time, he will call for locates.

EIGHTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2024/2025 Budget

A. Proof/Affidavit of Publication

B. Consideration of Resolution 2024-07, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Adams presented Resolution 2024-07 and the proposed Fiscal Year 2025 budget, which is unchanged since it was last presented. Revenues are increasing year over year by approximately \$450,000 and expenditures are increasing by approximately \$2.5 million. To offset some of the increase in expenses, funds collected and set aside for roadway repairs, the traffic signal at Sandpiper Drive and 41 and anticipated work on pumphouses and satellites, will be utilized. The offset results in an assessment increase of approximately \$190 per unit.

Mr. Christensen asked how much that brings fund balance down. Mr. Adams stated that, at the end of Fiscal year 2025 and if expenses stay within budget, remaining fund balance should be just under \$900,000.

Mr. Cole gave an overview of the Budget Summary on Page 3 and noted that Irrigation Modernization is a big project for which over \$1 million is budgeted in Fiscal Year 2025 for CDD #1's portion. Pumphouse modernization is part of a multi-year process. For Fiscal Year 2025, \$250,000 is budgeted for landscaping improvements to replace old and tired landscaping and over \$700,000 for CDD #1's portion of the traffic signal.

The Public Hearing was opened.

No affected property owners or members of the public spoke.

The Public Hearing was closed.

On MOTION by Mr. Mayer and seconded by Mr. Christensen, with all in favor, Resolution 2024-07, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

Mr. Adams stated that the previously sent Mailed Notices contained the higher, maximum assessment level so a second notice was not necessary.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2024-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2024/2025; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Mr. Adams presented Resolution 2024-08. Mr. Pires suggested taking public comments.

Public Comment was opened.

No affected property owners or members of the public spoke.

Mr. Pires asked if any public comments were received in writing, email, fax or otherwise.

Mrs. Adams stated that she did not receive any.

Public Comment was closed.

On MOTION by Mr. Badessa and seconded by Mr. Mayer, with all in favor, Resolution 2024-08, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2024/2025; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

Consideration of Fountain Proposals &
Electrical Services

- A. **Superior Waterway Services, Inc.**
 - I. **North Fountain [\$30,963.00]**
 - II. **South Fountain [\$30,963.00]**
- B. **Architectural Fountains, Inc.**
 - I. **North Fountain Quotation #052824-01 [\$33,000.00]**
 - II. **South Fountain Quotation #0581224-01[\$33,000.00]**
- C. **Bentley Electric Co of Naples FL Inc. Proposal 24-384 for Entry Fountains [\$39,800.00]**

Regarding the Collier Boulevard fountains being inoperable, Mrs. Adams stated an insurance claim was submitted as a power surge is possibly responsible for the outage. Four contractors were asked to submit proposals; two responded. Superior offers a three-year warranty on LEDs and one year on labor. Architectural Fountains, Inc. (AFI) gives a three-year warranty on materials. Electrical work by Bentley Electric will cost an additional \$39,800.

The Board and Staff discussed the proposals. It was noted that an initial proposal for fountain repair submitted by AFI was mistakenly included in the agenda; the amount shown in the agenda correctly represents the amount the contractor bid for fountain replacements.

Mrs. Adams stated, while AFI is the current contractor, she suggests Superior, as its initial bid is lower and monthly maintenance is \$21,000 per year, as opposed to the \$24,000 bid from AFI. Superior is already on site daily because they maintain CDD #2's lakes.

On MOTION by Mr. Mayer and seconded by Mr. Badessa, with all in favor, the Superior Waterway Services, Inc. North Fountain and South Fountain proposals, both in the amount of \$30,963, were approved.

On MOTION by Mr. Badessa and seconded by Mr. Mayer, with all in favor, Bentley Electric Co of Naples FL Inc. Proposal 24-384 for Entry Fountains, in the amount of \$39,800, was approved.

Discussion ensued regarding the impact to the budget, given that these are unbudgeted expenses, in addition to previously discussed unbudgeted expenses.

Mr. Adams stated unused funds from Fiscal Year 2024 will fall to surplus fund balance; the expense will likely follow Fiscal Year 2025 which begins on October 1, 2024. Mrs. Adams

stated parts must be ordered and noted that the CDD is saving monthly service and electric costs while the fountains are not operational.

ELEVENTH ORDER OF BUSINESS

Discussion /Consideration: Gulfscapes Landscape Management Services Estimate #4897 [Deer Crossing Root Barrier (\$30,420.00)]

Mr. Badessa presented Gulfscapes Landscape Management Services Estimate #4897, to protect Deer Crossing’s buildings from roots, which were reported by Mr. Badessa. In response to Ms. Maher’s question, Mr. Weinberg stated the roots of several trees along Fiddler’s Creek Parkway are growing from CDD property onto Deer Crossing property. If the roots continue growing it might cause problems. As the CDD does not perform work on private property, the CDD’s solution is to install a root barrier on CDD property.

Discussion ensued regarding root barrier solutions and trees growing in proximity to driveway beds, such as Montreux. It was noted that the HOA’s landscaping company should be consulted and, when similar issues occurred in Mulberry, property owners had to remove trees.

On MOTION by Mr. Christensen and seconded by Mr. Badessa, with all in favor, Gulfscapes Landscape Management Services Estimate #4897 for Deer Crossing Root Barrier, in the amount of \$30,420, was approved.

TWELFTH ORDER OF BUSINESS

Discussion: Landscape Debris on Homeowners’ Property

Mrs. Adams discussed ongoing issues in Mahogany with residents or their landscape contractors depositing landscape debris on CDD property. Mr. Barrow stated that the ongoing problem has resulted in a truckload of debris at times. Mrs. Adams noted that a camera can be installed to catch violators. Mr. Weinberg stated that his neighbors should receive a letter.

Mr. Weinberg asked Mr. Pires to send a letter to all residents in Mahogany.

THIRTEENTH ORDER OF BUSINESS

Consideration of Proposal(s) for Replacement of Backflow Preventer

- A. Imperial Fire Protection, Inc. Proposal #2408-0409-SI [\$33,600.00]**

FIDDLER’S CREEK CDD #1

August 28, 2024

Mrs. Adams noted a backflow preventer in the CDD’s name since the beginning. Each year, the CDD paid for annual certifications through Imperial Fire Protection. The backflow preventer is at Fiddler’s Creek Parkway and Sandpiper. Mr. Adams discussed the location of the backflow preventer and the main lines. He believes it serves the parcel where Gulf Bay Homes had its building and operations for many years and that it needs to be taken out of the CDD’s name. Mr. Cole agreed and stated it is a potable water line that serves Tract 25.

Mr. Pires was asked to send a letter asking The Foundation to act accordingly.

FOURTEENTH ORDER OF BUSINESS

Legal Update: Required Ethics Training for Special District Supervisors and Form 1

Mr. Weinberg noted the ethics training must be completed by December 31, 2024 and reported when filing Form 1 in 2025 by all Supervisors except Mr. Mayer, who must complete the training by December 31, 2025 and report completion when filing Form 1 in 2026.

FIFTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2024

• **Financial Highlights Report**

The Financial Highlights Report was distributed. Mr. Christensen questioned the Balance Sheet “Due from Developer” amount. Mr. Adams stated that the approximately \$94,000 in arrears is related to Operation and Maintenance (O&M) billings from February, March and April 2023 that remain unpaid. Invoices were forwarded to Mr. Parisi and funds are likely in transit.

The financials were accepted.

SIXTEENTH ORDER OF BUSINESS

Approval of July 24, 2024 Regular Meeting Minutes

The following changes were made:

Line 166: Change “homes” to “areas”

Line 162: Change “was drainage” to “were drainage issues”

On MOTION by Mr. Badessa and seconded by Mr. Christensen, with all in favor, the July 24, 2024 Regular Meeting Minutes, as amended, were approved.

SEVENTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Items 6, 8, 9 and 10 were completed.

Item 6: Mrs. Adams will submit information to the DRC.

EIGHTEENTH 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: September 25, 2024 at 8:00 AM**

- **QUORUM CHECK**

Today’s meeting will be continued to Friday, September 6, 2024 at 8:00 a.m. Mr. Schmitt will attend via Zoom.

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

The Monthly Field Operations Report was included for informational purposes.

NINETEENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Weinberg stated he received a list of irrigation and vegetation problems from Mr. Haak. He questioned a note stating three Ficus hedges on Fiddler’s Creek Parkway are too tall. Mr. Barrow stated that they were already reduced; if reduced much further the longevity will decrease. Mrs. Adams stated, if homes will be exposed, it will present an issue. The hedges will eventually be replaced with Clusia. The consensus was to leave the Ficus hedge “as is”.

TWENTIETH ORDER OF BUSINESS

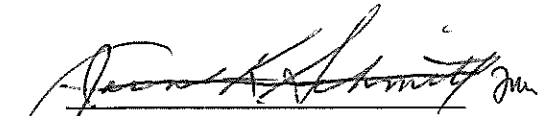
Public Comments

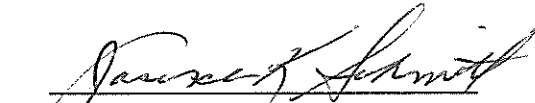
No members of the public spoke.

TWENTY-FIRST ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting recessed at 11:15 a.m. and was continued to an Executive Session Friday September 6, 2024 at 8:00 a.m. and via Zoom.


Secretary/Assistant Secretary


Chair/Vice Chair