

**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 December 11, 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	Chair
Frank Weinberg	Vice Chair
Torben Christensen	Assistant Secretary
Joseph Badessa	Assistant Secretary
Joseph Mayer	Assistant Secretary

**Also present:**

Chuck Adams (via telephone)	District Manager
Cleo Adams	District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Richard Renaud	Fiddler’s Creek Safety Manager
Mike Barrow	GulfScapes Landscape Manager
Aaron Haak	Fiddler’s Creek Deputy General Counsel
Jody Benet	The Foundation Irrigation Manager
Joseph Hallstein	Resident
Alfred Noto	Resident and Montreux Board Member

**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)**

Mr. Schmitt welcomed attendees and stated that it is encouraging that new residents are attending the CDD meeting. He noted that a community blog post indicated that some residents still do not understand the nature of the CDD assessments on their tax bill.

Mrs. Adams stated that meeting minutes and agendas are posted on the CDD website.

Resident Joseph Hallstein, of Cardinal Cove, asked how his HOA should proceed, given that more than two years ago the Board agreed to delay upgrading the irrigation system. He voiced his understanding that the CDD was working to upgrade a two-wire system throughout the community. He discussed interim repairs and noted that the HOA decided to forgo planting annuals due to irrigation issues.

Mr. Schmitt stated the Board is waiting for the report related to the irrigation system. He estimated that the CDD's system will not be installed for a year to a year and a half.

Mr. Haak stated that The Foundation's consultant is developing a design and a Request for Proposals (RFP) for the upgrades of the various systems, including Cardinal Cove. While the systems will all be compatible and interconnected, village and CDD installations will be handled separately.

Mrs. Adams stated that the presentation related to irrigation is posted on the CDD website.

Mr. Haak will speak with Mr. Hallstein regarding Cardinal Cove's irrigation system following the meeting to provide specific information.

Resident and Montreux Board Member Alfred Noto recalled the previous decision that CDD #1 is responsible for replacement of the dead Ficus at Championship Drive and Montreux and asked if a planting date has been determined. Mrs. Adams stated Staff is in the process of creating a priority list but it has not yet been received.

**THIRD ORDER OF BUSINESS**

**Administration of Oath of Office to Newly Elected Supervisors [Joseph Schmitt - Seat 3, Joseph Mayer - Seat 4, Frank Weinberg - Seat 5] (the following will 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 Schmitt, Mr. Joseph Mayer and Mr. Frank Weinberg.

Mrs. Adams and Mr. Pires discussed the Sunshine Law requirements, email, prohibitions related to use of social media and using Staff as a conduit to speak with other Board members, and the requirement that any public records requests be sent to District Management.

The following items were provided:

- 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**

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2025-01, Electing and Removing Officers of the District and Providing for an Effective Date**

Mrs. Adams presented Resolution 2025-01.

Mr. Mayer nominated the following:

Joe Schmitt	Chair
Frank Weinberg	Vice Chair
Joseph Badessa	Assistant Secretary
Torben Christensen	Assistant Secretary
Joseph Mayer	Assistant Secretary

No other nominations were made.

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

**On MOTION by Mr. Mayer and seconded by Mr. Christensen, with all in favor, Resolution 2025-01, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Update: Litigation with Fiddler's Creek Community Development District #2**

Mr. Schmitt stated that, while he cannot discuss much from the Executive Session, the ongoing situation is that CDD #1 lost its case in its claim to \$100,000 of the \$200,000 given to CDD #2 by the Halvorsen Group, the Developer of the Publix commercial site. The judge ruled that, in order to be entitled to that, CDD #1 should have had an Amendment to the Interlocal Agreement. CDD #2 is now asking for CDD #1 to pay its legal fees related to the dispute, from the date of the Mediation to today's date. CDD #1 filed a motion in order to have a clear understanding of those legal fees and the justification of those legal fees. CDD #2 has until Monday, December 16, 2024 to provide that information. Upon receiving the information, CDD #1 will need to make a decision, which will likely necessitate another Executive Session.

Mr. Adams will provide an updated total amount for the legal fees, including the amounts through the end of October 2024.

**SIXTH ORDER OF BUSINESS**

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

The November 2024 Quality Control Lake Report was provided for informational purposes, as Mr. Kurth was unable to attend. Mrs. Adams will convey questions to Mr. Kurth.

Mr. Christensen stated he observed that Lakes FC4, FC5, FC6 and 65A have a very active recurrence of Illinois Pondweed and the Report indicates that Sonar® treatment was applied. He believes that last year, Mr. Kurth stated that Sonar® treatment could not be applied. Mrs. Adams stated that the treatment can only be applied during the dry season; she will obtain additional information.

Mr. Schmitt recalled that the land bridge near the lake just west of the Clubhouse will be removed and stated that he would like the contractor to know. Mrs. Adams will forward an email related to the matter.

**SEVENTH ORDER OF BUSINESS****Health, Safety and Environment Reports  
(Ryan Hennessey)**

Mr. Renaud presented the PowerPoint and reported the following:

**A. Irrigation and Pressure Washing Efforts**

This item was provided for informational purposes.

**B. Security and Safety Update**

➤ Gate Access Control: Community Patrol's phone number is (239) 919-3705. Community Patrol should be called for assistance with security matters. In an emergency, 911 should be called first, followed by Community Patrol. The automated gatehouse number is (239) 529-4139; that number should be called to add vendors or visitors to the list.

➤ Occupancy Report: Average weekly occupancy increased each week in November, with the exception of Week 4, due to the Thanksgiving holiday.

➤ Gatehouses and Patrols: Sandpiper, Championship, and the Main gatehouses are operational 24 hours a day, seven days a week. There are two patrols per shift, generally one patrol in CDD #1 and one in CDD #2.

➤ Gatehouse Activity: Total gatehouse entries for all three gatehouses decreased slightly, compared to October 2024.

➤ Incidents: Parking incidents decreased from 62 in October to 41 in November. Open garage doors increased from 41 in October to 52 in November. There were 23 medical calls and eight By-Law violations.

➤ Speed Detection and Enforcement: The portable speed detection device was in use. Of the 12 violations in November, 10 were first-time offenders and received written warnings. Two repeat offenders were referred to the Fining Committee.

Discussion ensued regarding the location of the Sheriff's trailer.

It was noted that three gate arm perpetrators will be billed for damages.

➤ The Collier County Sheriff's Office (CCSO) advised that there were 57 extra patrols, 23 medical calls, 19 accidental calls to 911 (hang-ups), 12 alarms, three traffic stops or crashes and one petit theft. Accident reports include the Publix areas, and the petit theft was also at Publix.

**EIGHTH ORDER OF BUSINESS**

**Developer's Report**

Mr. Haak responded to questions and reported the following:

- Development continues in Oyster Harbor. Eight buildings are completed in Dorado, and work will begin on the Building 13 soon.
- Work on the Golf Clubhouse continues. It is near completion and the golf course began opening last weekend. Some final work on the lift station is being finalized.
- Plans and RFP Details related to irrigation in the villages is ongoing.

Mr. Schmitt asked if the restrooms at the back of the golf course are being connected to the sewer system. Mr. Haak voiced his belief that it will remain on the septic system.

Mr. Schmitt asked if Access Agreements must be terminated when the golf course construction is complete. Mr. Haak replied affirmatively and stated work is not yet complete.

The Board and Staff discussed restoration at the end of Mulberry and at Runaway Bay. A Golf Course Update, under the Developer's Report, will remain on the agenda until complete.

It was noted that bridge and tree trimming debris at Runaway and Cherry Oaks needs to be removed. Mr. Haak stated that removal is underway; updates will be provided.

Mr. Christensen asked how much was paid for the Report from Mr. Geiger's company. Mr. Haak will provide information regarding how much The Foundation will pay.

Mr. Schmitt stated that the Board of County Commissioners approved the Amendment to the Fiddler's Creek PUD, the DRI and the Comprehensive Plan Amendment yesterday. These essentially codify internal changes to traffic flow within the PUD; it does not impact the CDD other than the fact that Marsh Cove's private roads are within the CDD. That road has always been planned to extend throughout that area. Also approved were 750 units at the end of Auto Ranch Road and approximately \$5.5 million in roadway improvements to Auto Ranch Road by the Developer.

Mr. Haak noted that the actions transpired at a public meeting and are a matter of public record.

## NINTH ORDER OF BUSINESS

Engineer's Report: Hole Montes, a  
Bowman Company

Mr. Cole stated that CDD #1 budgeted \$100,000 for design of the irrigation system and a significant amount was budgeted for irrigation system construction. Mr. Christensen expressed concern about the potential expense. Mr. Cole stated that the \$100,00 was based on his estimate regarding CDD #1, CDD #2 and The Foundation's portions of the expense.

- **Update: Proposal to Provide Design, Permitting & Construction Services for Fiddler's Creek Plaza – Sandpiper Dr. & U.S. 41 Traffic Signal**

Mr. Cole reported the following:

- The traffic signal work has been delayed. When Trebilcock Consulting Solutions (Trebilcock) designed the location of the signal poles, Subsurface Underground Exploration (SUE) used ground-penetrating RADAR to locate the utility lines to determine the placement of the poles. There are numerous utilities in the right-of-way (ROW) and the permit was issued based on the design. The temporary sidewalk relocations were paved so the soft digging for the drill shaft holes, which are 6' in diameter, could occur. The base of the foundation to support the pole is 5' in diameter, so there is a lot of drilling to accommodate the utilities. There was a meeting yesterday based on what was found last week when digging commenced. There are some minor conflicts that can be worked around but a major concern is a fiber optic line approximately 2' closer than the previous underground exploration indicated.
- A meeting was held yesterday with AECOM, the CDD's approved subcontractor. AECOM is very astute working with Department of Transportation (DOT)-related projects. AECOM has been doing the Construction Engineering Inspection; AECOM Project Manager, Mr. Jason Scofield, has been very efficient and conscientious in setting up this meeting with the contractor and various people, including the fiber optic company, Lumen. Lumen must dig back several feet in each direction to be able to move the fiber optic line over carefully.
- The primary contractor, American Infrastructure Systems (AIS), does not do that type of work. AIS is obtaining proposals from subcontractors, such as MasTec, that could be engaged for this work. If the CDD had to go through Lumen, the work would take several months, but he stressed the need to get the signal done to keep the project moving and they are agreeable

to having a subcontractor move the line while being observed by their inspector. The contractor provided a not-to-exceed price of \$50,000 to uncover and move the line.

Mr. Cole recommended the contractor be authorized to have a Change Order for not-to-exceed amount of \$50,000 to have another subcontractor move the line. The contract time would also need to be extended.

➤ The latest schedule was to have the signal operational at the end of January 2025 or the first week of February 2025. The original schedule called for the drill shaft team to begin this week; however, due to the conflict, the drill shaft team must go to another project. Based on this delay, the traffic signal is now projected to be completed in mid-April 2025. Once the signal is installed, it is put in "Flash Mode" and there is a two-week period until the project is completed. He noted that this type of delay happens frequently because the location of the line is unknown until digging begins. He noted that the expense of moving the line is CDD #2's responsibility.

The Board and Staff discussed the need to inform the community about the delay, given that a serious accident occurred in recent weeks. It was noted that CDD #2 is managing the project and would need to manage the communications.

Discussion ensued regarding the increasing project costs and reimbursements to CDD #2. Mr. Adams stated that adequate monies are budgeted for CDD #1's share of the cost.

Mr. Pires asked if the lines in question are within the FDOT ROW or the County ROW. Mr. Cole stated the lines are in the FDOT ROW; he is unsure whether the FDOT can require the utility provider to move the lines based on interference with a road improvement but, based on what Mr. Scofield told him, Lumen is not required to move its line. The problem is that there will be a domino effect if the line in the FDOT's ROW is not moved; Lumen is trying to work with the CDD.

Mr. Pires asked if the FDOT indicated that the lines interfere with the project such that Lumen would have to pay for it. Mr. Cole stated he does not definitively know the answer; however, if Lumen moves the line, he thinks it would not occur until summer.

Mr. Pires stated that, next week, the Planning Commission has an item related to rezoning the property to the north and to the west of the 7-Eleven. He was just reviewing the



public hearing, the PUD Master Plan and the TIS and stated that Hole Montes is the Planner for the project and Trebilcock did the TIS for the project. Language in the proposed PUD talks about transportation commitments but the money for the signalization goes to the County, which is something to pay attention to. He thinks it is important to note that the Transportation Commitment reads,

“The owner, successors and assigns pay a proportionate fair share of the intersection improvements at the US-41 and Greenway intersection and applicable portions of Greenway Road which includes that portion of Greenway from US-41 to the northernmost PUD property line. The intersection improvements include but are not limited to signalization, the addition of turn lanes, extending of turn lanes. The proportionate fair share of the project’s input shall be determined by the County at a time when first FDP or First Plat. The owner, etc., shall make payment to Collier County.”

The Board and Staff discussed the language and whether the language is the same as the signalization plan in the PUD application.

Mr. Schmitt stated that he is the Chair of the Collier County Planning Commission and he has yet to see the Report or the Petition. His colleagues will address it at the rezoning; the signalization would be a legitimate source of additional revenue for the Developer to pay for.

It was noted that documents are available on the portal.

Mr. Pires stated the name of the MPD is the “East Trail Mixed Use Project.”

The Board and Staff discussed the Developer’s contributions and the timing of components of the aforementioned traffic signal construction.

➤ Lake repairs in CDD #1 are substantially complete in Cardinal Cove and at a lake near Whisper Trace; inspections will be scheduled to ensure completion.

Mr. Cole distributed a proposal from Aquamatics for pipe repairs to Pumphouses #1 and #2. The so-called “dog leg pipes” that go out of the pumphouse are old and rusty; the rust needs to be scraped off and the pipes need to be repaired.

Mrs. Adams stated that the expense would be shared with CDD #2.

The Board and Staff discussed the nature and location of the pipe.

Mr. Schmitt voiced his belief that CDD #2 should pay for it.

**On MOTION by Mr. Christensen and seconded by Mr. Weinberg, with Mr. Christensen, Mr. Weinberg, Mr. Mayer and Mr. Badessa in favor and Mr. Schmitt dissenting, the Aqua-Matic Irrigation Systems, Inc., proposal for pipe repairs to Pumphouse #1 and Pumphouse #2, in the amount of \$1,000, was approved. [Motion passed 4-1]**

➤ The Pumphouse #2 roof replacement building permit was delayed due to the hurricanes but has since been issued. It is hoped that the work will be completed by the end of January 2025.

**TENTH ORDER OF BUSINESS**

**Continued Discussion: Sidewalk Markings on Championship Drive**

Mr. Cole stated the proposal for the work was very high. A new proposal was requested to address only safety issues and not aesthetics; this item will be on the next agenda.

Mr. Schmitt asked if that includes work on catch basins. Mr. Cole replied no; the work on catch basins was all satisfactory.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Timo Brothers, Inc. Interlocking Pavers and Concrete Proposal [Reset Concrete Pavers in West Side of Fiddler's Creek Parkway & Sandpiper Drive Intersection]**

Mr. Cole presented the Timo Brothers proposal for resetting concrete pavers in the sitting area at the west side of the Fiddler's Creek Parkway and Sandpiper Drive intersection.

**On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, the Timo Brothers, Inc. Interlocking Pavers and Concrete Proposal, in the amount of \$1,040, was approved.**

Mr. Schmitt recalled previous discussion regarding a blocked catch basin on Heather Lane off Marsh Drive. Mr. Benet recalled the discussion related to backyard drains. Mr. Cole will check the plat and take action accordingly.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Bowman Gulf Coast, LLC dba Hole Montes Amendment to Agreement for Services [District Engineer]**

Mr. Pires presented the Bowman Gulf Coast, LLC dba Hole Montes Amendment to Agreement for Services [District Engineer].

**On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, the Bowman Gulf Coast, LLC dba Hole Montes Amendment to Agreement for Services [District Engineer], subject to Mr. Pires’ corrections, was approved.**

**THIRTEENTH ORDER OF BUSINESS**

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

- **Financial Highlights Report**

The Financial Highlights Report was distributed.

Mr. Christensen questioned last month’s expenditure of approximately \$58,000 for “Irrigation supply, supply system”. Mrs. Adams believes the total includes approximately \$19,000 for insurance on the pump stations; she will research it.

The financials were accepted.

**FOURTEENTH ORDER OF BUSINESS**

**Approval of Minutes**

**A. October 23, 2024 Regular Meeting**

**On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, the October 23, 2024 Regular Meeting Minutes, as presented, were approved.**

**B. October 29, 2024 Special Meeting and Attorney-Client Executive Session**

**On MOTION by Mr. Weinberg and seconded by Mr. Schmitt, with all in favor, the October 29, 2024 Special Meeting and Attorney-Client Executive Session Minutes, as presented, were approved.**

**FIFTEENTH ORDER OF BUSINESS**

**Action/Agenda or Completed Items**

Items 4 and 9 were completed.

A new action item will be added for the purchase and storage of filter socks in the pumphouse. A proposal will be requested.

**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**

- **NEXT MEETING DATE: January 22, 2025 at 8:00 AM**

- **QUORUM CHECK**

All Supervisors confirmed their attendance at the January 22, 2025 meeting.

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

The Monthly Field Operations Report was included for informational purposes.

Mrs. Adams reported the following:

- The Deer Crossing/Root Barrier Project is scheduled to be completed by Friday, December 13, 2024.
- After hurricane-related delays, the Pine Straw Project will finally commence today.
- A revised proposal for the guardrail project has been requested because the DRC does not want a Clusia hedge blocking the view of the lake.
- The electrical work related to the lake fountains was completed on Tuesday; the fountains should be operational tomorrow.
- The bid opening for the Landscape Contract will be completed today.
- Damaged Bougainvillea along the south side of the Parkway, in front of the guardrail between Bellaggio and Runaway, will be reviewed by GulfScapes.

➤ Street signs and street light posts were last painted in 2018. A proposal will be requested.

Mr. Schmitt asked the Board Members to view the current conditions. Mrs. Adams was asked to have these addressed and have the globes cleaned if possible.

**SEVENTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

There were no Supervisors' requests.

**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 9:17 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair