

**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 10, 2025 at 8:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present:

Joseph Schmitt
Frank Weinberg
Torben Christensen
Joseph Mayer
Joseph Badessa

Chair
Vice Chair
Assistant Secretary
Assistant Secretary
Assistant Secretary

Also present:

Chuck Adams
Cleo Adams
Tony Pires
Terry Cole
John Baker III
Joe Parisi
Jeff DeFranco
Jody Benet
Ryan Hennessey

Elliot Miller
Jeffrey Fitzgibbons
Other Residents

District Manager
District Manager
District Counsel
District Engineer
Hole Montes, a Bowman Company
Developer’s Representative
Fiddler’s Creek General Manager
The Foundation Irrigation Manager
Fiddler’s Creek Director of Community
Services
CDD #2 Chair
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)**

No members of the public spoke.

THIRD ORDER OF BUSINESS

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

The October 2025 Quality Control Lake Report was included for informational purposes.

FOURTH ORDER OF BUSINESS

**Discussion: Residents Request to Install
"No Standing/No Parking" Sign on Cherry
Oaks Trail**

Mr. Schmitt discussed a resident email request to install "No Standing/No Parking" signage on Cherry Oaks Trail along with a petition to lower the height of traffic control devices.

Resident Jeffrey Fitzgibbons discussed the CDD policy prohibiting parking at the Cherry Oaks/Cranberry Circle. As a result, contractors must park at the ends of the street and carry their materials and equipment to the home they are working at.

Regarding the request to install No Parking signs, Mr. Schmitt questioned what good signage would do as there is no one to enforce it. He asked who is violating the No Parking policy. Mr. Fitzgibbons stated no one is violating it.

The Board consensus was that the CDD will not install signage and security should be contacted if there is an issue.

Discussion ensued regarding the height of the speed humps, the request to lower them, which entity installed them, liability if there is damage to a vehicle, drivers cutting through the grass to go around the speed humps and enforcement of violations.

Mr. Pires thinks there was an agreement with the Cherry Oaks Association regarding installation of the speed humps. Mrs. Adams stated there is an agreement. Regarding CDD liability, Mr. Pires stated that the CDD has sovereign immunity generally and although there is a limited waiver of sovereign immunity in the Statutes, his opinion is provided the CDD and the installation complies with the Manual Uniform Traffic Control Devices (MUTCD) and complies with the Development Orders and permits issued by the County, then the CDD's exposure should be minimal.

Regarding the speed humps, the consensus is that they are not a CDD matter.

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

Mr. Hennessey gave the PowerPoint presentation and reported the following:

- The palms in CDD #2 were completed. Work will continue on the Sabal and Royal palms.
- Other areas brought to their attention were trimmed.

A. Irrigation and Pressure Cleaning Efforts

- Precipitation Data: In November 2025, average rainfall was about 1/4", comparable to the prior November.
- Yearly Rainfall Totals: 54" of rain was received so far in 2025, which is about 24" less than in 2024.
- Irrigation Projected Usage: The villages and common areas in CDD #1 had no rain holds, due to the lack of rain. Mr. Benet is dialing down the amount of irrigation 75% to 80%.
- Pump Station Usage: Pump Station 1 is still ineffective. 65 million gallons of water was used last month, which was a couple million more than last month.

Discussion ensued regarding water usage amongst both CDD #1 and CDD #2, how the usage figures are derived, computer control versus manual mode, what is not accounted for in the computer readings, and golf course water usage being separate from the CDD.

- Lake #88 Measurements: Lake 88's level is 2.25' above NGVD measurements, so it is pretty good. It might be necessary to purchase County water again this season. Mr. Adams stated the \$130,000 cost last year was split with CDD #1. There is no way to know how much it could cost this year.
- Irrigation Report: There were minor communication failures in November and there was a \$450 invoice for a modem cable.
- Pressure Washing: Crews finished some areas in CDD #2, along with Club & Spa renovation area, Sales & Corporate area and all three Gatehouses. Work on the Aviamar sidewalks is underway.

B. Security and Safety Update

Mr. Hennessey reported the following:

- Gate Access Control: Both phone numbers are operational. Community Patrol's phone number is 239-231-9878, which 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, which should be called to add vendors or visitors to the list. Information can also be emailed to safety@fiddlerscreek.com.
- Occupancy Report: Occupancy went from 1,427 in October to 1,757 in November 2025.
- 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. The gate arms are opening more uniformly.
- Gatehouse activity increased from 61,616 entries in October to 77,758 in November.
- Incidents: Most incidents stayed the same or went down this month compared to October. Resident complaints was the only category that increased.
- Speed Detection and Enforcement: The portable speed detection device was in use on Cherry Oaks Trail. First-time offenders accounted for all 15 violations; all were given written warnings; none were referred to the Fining Committee.
- Per the Collier County Sheriff's Office (CCSO), in November there were 54 extra patrols, 17 medical calls, 10 alarm calls, 12 traffic stops, seven accidental calls to 911 (hang-ups) and three traffic crashes.

SIXTH ORDER OF BUSINESS**Developer's Report**

Mr. Parisi reported the following:

- Mr. Haak resigned. The new General Manager is Jeff DeFranco.
Mr. DeFranco discussed his background and experience.
- Construction is underway in several developments. Building 13 in Dorado is under construction. Callista 2 will be starting next.
- Hidden Cove will be where the driving range currently is.
- A Certificate of Occupancy (CO) for the Sales Center was received. A few sections are still closed until work is completed. There is no exact reopening date yet, but the front should reopen soon.

- The Club & Spa outside was completed, other than the tennis pro shop, which should be completed in March 2026, which is one month early. Areas are open, including the tennis and pickleball courts. The dining bank of elevators and the lobbies are being completed now. They will not start on the next bank of elevators until the dining one is completed.
- Regarding the community irrigation project, there is a need to change the program. Someone needs to manage the process and develop budgets, control estimates, etc.

Mr. Weinberg noted that the Board has heard nothing about the irrigation system other than comments from Mr. Benet about what needs to be done. He wants better communication to the Board.

Mr. Parisi spoke of an advisory board/committee and suggested Board Members join a committee, so they have a better understanding of what is going on. He discussed mapping the system and noted the large scope of the irrigation system.

Mr. Schmitt stated the Board needs a scope of work, costs expected from the CDD, what the CDD would be paying for, and the payback period.

Discussion ensued regarding the irrigation system, whether the cost is worth it to the CDD, recent costs for emergency water being a directly correlated to the CDD's outdated system, determining what entity or entities will maintain the system, and Mr. Parisi's belief that The Foundation should hold weekly or monthly meetings to discuss the system.

Mr. Parisi noted drainage issues at Mussorie and discussed a plan from Waldrop who worked with Taylor Morrison, which built Mussorie, and another plan from Mark Minor. They are trying to determine who is responsible and if changes are needed. It was noted that Mussorie is in CDD #2.

SEVENTH ORDER OF BUSINESS

Engineer's Report: Bowman Company

Mr. Cole stated this will be his last official meeting because he is retiring soon. He will still answer questions and will assist Mr. Baker for a short time.

Mr. Cole and Mr. Baker discussed the following and responded to questions:

- The traffic signal is officially operational. Some initial detection issues that affected how many cars were getting through before the light changed have been corrected.

- Striping for the left, center and right turn lanes is being completed, as well as guide striping for the two lane turns.
- If a problem arises with the signal, there is a number to call on the signal control cabinet. Mr. Hennessey is aware. There is also a camera that the County can monitor. The County operates the signal.

A resident asked if there will be one or two left turn lanes and arrows on US 41 and Sandpiper Drive. Mr. Baker stated that there will be a left turn and the center will be a left/straight. He will check on the actual signal arrows.

- A few punch list items need to be completed.
- Regarding the fair share payments, Mr. Cole is working on a summary of the costs for Mr. Pires to review in relation to 7-ELEVEN. The present estimate is approximately \$1.6 million between the construction contract, consultants, design, permitting and construction observation.

It was noted that this will all go to CDD #2, but CDD #1 will want a final audit before the final bill of what CDD #1 has to pay. Mr. Adams stated a summary statement with back-up invoices will be provided.

Mr. Cole stated, a few months ago he sent a summary and all the invoices to date for the costs to Mr. Pinder, from District Management's Accounting Department; he will need to provide Mr. Pinder with an updated summary and invoices. He estimated it to be another two to three months before all the final invoices are received.

Discussion ensued regarding the potential final cost and approximate cost to each homeowner in Fiddler's Creek. Mr. Cole noted that the contribution shares from J-House Development and 7-ELEVEN combined total approximately 24% of the signal costs based on the amount the County approved.

Mr. Cole was asked about a potential danger turning into Publix due to the striping. He noted that Grady Minor designed and permitted it; therefore, he is not familiar with the design details. It was suggested that the District Engineer discuss this with the State or County, since it is not a CDD roadway.

Mr. Pires asked if the traffic signal operation and maintenance (O&M) is a Collier County or a Florida Department of Transportation (FDOT) responsibility. Mr. Cole stated it is the County's responsibility. Mr. Pires asked if the County requires any form of conveyance documents, Bill of Sale, or Letter of Acceptance; he believes it is important to have some form of confirmation or acceptance from the County. Mr. Cole will find out.

Mr. Pires discussed the fair share contribution and stated that he appeared at the Collier County Planning Commission hearing on December 9, 2025 to add the fair share contribution language. The request was denied. There was aggressive push back against requiring a Developer to make a fair share contribution after a traffic signal has been installed. He recalled making a public records request from the County in October for copy of the draft Developer Agreement since it was not in the agenda packet for the meeting Mr. Schmitt attended. The County's response to the request was that it would be on the Commission's December agenda. He requested it again in November and then received a response that the County did not have a document that would be a companion item. He requested again and received drafts and a copy of a signed Developer Agreement. The packet at the meeting yesterday had nothing in the packet; there was a reference to it but then it was a separate item in the consent agenda, meaning. The Commission agreed to pull it from the consent agenda and hear the presentation but ultimately, the request was denied. Mr. Schmitt stated the Commission took the position that it would be precedent-setting if they allowed a fair share arrangement since the signal is already essentially completed. Mr. Schmitt discussed the basis on which the Commission made its decision.

Fiddler's Creek CDD #2 Chair Elliot Miller voiced his opinion that Attorney Rich Yovanovich has been exceedingly negative about working with the CDDs or even responding to the CDDs.

In response to the question of the vote, Mr. Schmitt stated the Planning Commission vote on the rezoning was unanimous. For the Greenway-Fritchey RPUD matter the vote was unanimous but the fair share contribution was not discussed because it was not proffered as part of the proposal for the approval.

Discussion ensued regarding what might be the cause of Mr. Yovanovich's attitude towards the CDDs.

- **Memo Regarding Ongoing Irrigation Items**

Mr. Cole presented the Ongoing Irrigation Items Memorandum and stated that he brought up the issues set forth for the last four or five years. Over two years ago, he began developing the budget for Fiscal Year 2025. In Fiscal Year 2025, CDD #1 funded \$982,300 towards the irrigation project and in Fiscal Year 2026, CDD #1 is funding \$329,260, based on the reports he provided. Those reports were based on estimates from meetings and discussions with consultants, himself, Aaron, Mr. Benet and Wes Geiger, and then the estimates were further refined with another person earlier this calendar year. The budgets were based upon reviewing proposed improvements. As far as payback, the payback is that the CDDs will have green grass; if the system is not improved, there will be problems. As Mr. Benet noted, the system has controllers that are outdated, wiring that is not connected, and battery-operated timer that should be part of the master system, all of which are improvements that are proposed with the master system. Mr. Geiger did some GIS work to identify locations of existing controllers, etc., and then the information was turned over to another contractor. Work was underway to negotiate a contract to move forward reviewing the system and preparing the first phase of work. He noted that the first phase of work is what CDD #1 funded already in Fiscal Year 2025. Funds are set aside for Fiscal Years 2025 and 2026 in a total amount of about \$1.3 million. This includes work related to the pumphouses as well.

A Board Member voiced his opinion that the Board set aside money with no knowledge of what the situation was and the Board did so based on a promise that there would be discussions so the Board could better understand the project. He thinks there have never been discussions except for one meeting when someone attended and read a sales item about the system. Mr. Cole stated that Mr. Geiger was supposed to present information in May 2025, but it did not occur. Regarding what the CDDs and/or The Foundation will pay for, the Board Member believes what the Board must do as far as contracting has never been discussed.

Mr. Cole discussed the unprecedented drought conditions, purchasing irrigation water from the County last winter, considering a proposal from Water Science Associates (WSA) to

assist in reviewing the situation and making recommendations about water conservation, supply, etc. He and others have worked closely with Mr. Benet all along and Mr. Benet has employed water conservation measures as much as best practices allow.

Mr. Baker referred to a proposal from WSA which has serviced Fiddler's Creek for years and was recently bought by Apex. He presented the Ongoing Irrigation Items Memorandum based on the discussions during the October 2025 meeting and provided a summary of what should be installed. The Memorandum lays out general elevation on which the system is based. The average wet season water table control elevation is 3.5'; water would be needed if the water tables reach the 0.5' level. The pump intakes are at -1'; before reaching that, problems with intake should be occurring. Mr. Cole stated the pump intake is lower than that; the intake of the inlet in the lake is not as long. Mr. Baker stated, based on those observations, when a reading of 1' NGVD is observed, it should be treated as a "Warning". At that time, consideration should be given to putting some mechanisms into place. When at 0.50' NGVD is observed, it should be treated as an "Emergency" water level and, at that point the CDD should consider the use of County potable water to stabilize water levels.

Mr. Baker stated last month's water level readings indicated elevation at 2.50' NGVD; he believes the most recent reading was at 2.16' NGVD. As a result, the recommendation was to cut back on irrigation and Mr. Benet already cut back on the frequency.

Mr. Weinberg motioned to shut the irrigation system down on Fridays and send an email advising residents of the drought situation and that they need to cut back on watering and that, as long as there is concurrence from CDD #2, the irrigation system will be shut down on Fridays.

Mr. Benet asked exactly what is meant by shutting down the irrigation system. Mr. Weinberg stated shutting the pumps off so nobody can water. Mr. Benet asked who will turn the pumps back on Saturdays. Mr. Weinberg stated not me. Mr. Benet stated it is not good for the system to be depressurized and then pressurized, as it could cause leaks. Mr. Weinberg stated the CDD needs to stop people from watering on Fridays.

Discussion ensued regarding the controllers, how to stop people from irrigating on Fridays, lack of a way to charge people who violate the watering restrictions, etc.

Mr. Pires asked if the irrigation is pursuant to a water use permit from the South Florida Water Management District (SFWMD). Mr. Cole replied affirmatively. Mr. Pires asked if the permit is subject to the conditions the SFWMD imposes for restrictions on watering. Mr. Cole replied affirmatively. Mr. Pires asked if there are consequences if the CDD is not compliant with the SFWMD watering restrictions. Mr. Cole replied affirmatively. Mr. Pires asked what the consequences are. Mr. Cole stated that the SFWMD can stop the water allowed or frequency. Mr. Pires asked what entity holds the water use permit. Mr. Cole must check to see if it is the CDD or the Developer.

Discussion ensued regarding the County issuing code violations to residents violating the County's watering restrictions.

Mr. Benet voiced his belief that residents will urge their landscapers to water beyond the restrictions to keep their landscaping looking nice. To that end, he supports allowing watering three days per week but lowering the run time of an irrigation cycle by 25% to 40%. Regarding what can be done about the three streets that have separate controls. Mr. Benet stated if those arteries are closed, it hurts the entire system.

Mr. Weinberg withdrew his earlier motion.

Discussion ensued regarding the drought conditions and potential for it to worsen before it gets better, whether the CDD will have to purchase water from the County again, the somewhat rapid drop in water levels and the possibility that a nearby development is drawing down the aquifer.

Mr. Baker stated that the Memorandum recommends forming a team to discuss irrigation on an ongoing basis. This team would include the irrigation consultant and engineer hired by The Foundation, WSA, District Manager, District Engineer, Landscape Maintenance Contractor, a representative of The Foundation and Mr. Benet. Mr. Schmitt suggested including the Chairs of CDDs #1 and #2 to the team. Mr. Baker agreed to that.

On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, authorizing Staff to send an e-blast the watering restrictions and consequences for violating the restrictions to the entire community and to send notices to the Mulberry, Mahogany Bend and Isla Del Sol management companies directing them to notify their homeowners of the watering restrictions and that they must follow rules and of the consequences if they do

not, such as enforcement by the CDDs or by Code Enforcement issuing a violation notice, was approved.

Mr. Baker presented a \$24,500 proposal from WSA (Apex) for professional hydrogeologic services to assist with a water resource evaluation and water supply planning.

On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, the Water Science Associates, LLC (Apex) proposal, in the amount of \$24,500, was approved.

- **Discussion/Update: ADA Warning Pads at Mulberry-Championship Pedestrian Crossing**

Mr. Baker stated that work on this should have been resolved yesterday.

Mr. Baker presented a \$50,000 TJ Building Company proposal for entry spire repairs. The proposal contains other work with amounts but only the spire repairs are being considered now; individual proposals will be obtained for each of the items in this proposal.

This item was deferred pending more detailed information about the scope of the repairs and what other entry issues might arise.

Mr. Baker will coordinate with The Foundation for detailed specifications and a detailed scope of work. Mr. Parisi will send a report and proposal from another vendor to Mr. Adams and Mrs. Adams.

EIGHTH ORDER OF BUSINESS

Continued Discussion: Irrigation Action Items

This item was discussed earlier in the meeting.

NINTH ORDER OF BUSINESS

Discussion/ Consideration: Easement Use Agreements [Bellagio Lots by Seawall]

A. Continued Discussion/Consideration: Consent to Use Agreements

Mr. Pires distributed a clean and red-line draft letter related to the Bellagio retaining walls. The letter requests submittal of necessary documents to prepare Easement Use Agreements.

On MOTION by Mr. Schmitt and seconded by Mr. Weinberg, with all in favor, the draft letter related to the Bellagio retaining walls Easement Use Agreements, and authorizing Staff to send the letter, was approved.

TENTH ORDER OF BUSINESS

**Discussion/Consideration/Ratification:
Performance Measures/Standards &
Annual Reporting Form**

A. October 1, 2024 - September 30, 2025 [Posted]

Mrs. Adams noted that the 2025 Goals and Objectives Reporting was completed.

On MOTION by Mr. Weinberg and seconded by Mr. Mayer, with all in favor, the 2025 Goals and Objectives Reporting, was ratified.

B. October 1, 2025 - September 30, 2026

Mrs. Adams presented the Goals and Objectives Reporting Fiscal Year 2026 Performance Measures and Standards.

On MOTION by Mr. Weinberg and seconded by Mr. Badessa, with all in favor, the Goals and Objectives Reporting Fiscal Year 2026 Performance Measures and Standards, were approved.

ELEVENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of October 31, 2025**

The financials were accepted.

TWELFTH ORDER OF BUSINESS

**Approval of October 22, 2025 Regular
Meeting Minutes**

On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, the October 22, 2025 Regular Meeting Minutes, as presented, were approved.

THIRTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Item 16 was completed.

Item 7: Change "Mr. Haak" to "Mr. Parisi"

Item 11: Change "Mrs. Adams" to "Mr. Baker"

FOURTEENTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: Woodward, Pires and Lombardo, P.A.**

- **Report on Collier County Planning Commission/Consideration of Proposed Greenway-Fritchey RPUD**

Mr. Pires stated that "Planning" should be removed from the above agenda item title.

Mr. Pires distributed a Guidance Memorandum from the Florida Attorney General Memorandum which addresses Florida's open carry laws.

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

- **NEXT MEETING DATE: January 28, 2026 at 8:00 AM**
 - **QUORUM CHECK**

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

The Monthly Field Operations Report was included for informational purposes.

FIFTEENTH ORDER OF BUSINESS**Supervisors' Requests**

Mr. Christensen voiced his opinion that the area before the gatehouse looks fantastic.

Mr. Schmitt asked Mr. Hennessy to talk to Juniper about trimming the Ficus trees on Mahogany.

SIXTEENTH ORDER OF BUSINESS**Public Comments**

No members of the public spoke.


SEVENTEENTH ORDER OF BUSINESS**Adjournment**

The meeting adjourned at 10:05 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair