

**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 March 22, 2023 at 8:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present at the meeting were:

Robert Slater	Chair
Joseph Schmitt	Vice Chair
Torben Christensen	Assistant Secretary
Joseph Badessa	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Joe Parisi	Developer General Manager
Ron Albeit	Foundation General Manager
Markus Rentzing	Foundation General Manager
Ryan Hennessey	Fiddler’s Creek Director of Community Services
Mike Barrow	GulfScapes Landscape Management
Shannon Benedetti	Resident/Landscape Advisory Committee
Alex Kurth	Premier Lakes
Fred Creamer	Resident/Cherry Oaks HOA Board Member
Thomas Tomassetti	Resident
Joe Vacarro	Resident
Richard Peters	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 8:00 a.m. Supervisors Slater, Schmitt, Christensen and Badessa were present. Supervisor Weinberg was not present.

SECOND ORDER OF BUSINESS

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

No members of the public spoke.

Mr. Albeit introduced Markus Rentzing, the new General Manager of The Foundation. He stated it was his pleasure working with the CDD and this will be his last CDD meeting. All emails and questions should now be sent to Mr. Rentzing.

THIRD ORDER OF BUSINESS

Quality Control Lake Report – March 2023: Premier Lakes, Inc.

Mr. Kurth presented the Quality Control Lake Report. Tree limbs were removed from Lake 4; one large limb that cannot be reached from shore will be removed by boat next week.

Mr. Schmitt discussed the conditions of the lake at Hole #13. Mr. Parisi stated the lake will be enlarged sometime.

Regarding the lake identified as Lake 43B on the map, Mr. Cole stated that lake will likely be redeveloped; a large portion on the south end is a littoral shelf.

FOURTH ORDER OF BUSINESS

Health, Safety and Environment Report

A. Irrigation and Pressure Cleaning Efforts

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

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 needs to the Community Patrol. Residents can register guests using the mobile app, calling the Automated Gatehouse or emailing Safety@Fiddlerscreek.com.

FIFTH ORDER OF BUSINESS

Discussion/Consideration of Rescheduling the May Meeting to May 31, 2023 at 8:00 AM

Mrs. Adams asked for the May meeting to be moved from May 24, 2023 to May 31, 2023. The Board agreed to the change.

SIXTH ORDER OF BUSINESS

Developer's Report

Mr. Parisi reported the following:

- Construction Compound: Draining and grading had to be redone; landscaping will be installed soon.
- Golf Clubhouse, Oyster Harbor and Dorado: Construction is ongoing.
- Championship Gathouse: Drawings were received from MHK. The design is similar to other guardhouses in the community. Pricing will be obtained so a construction schedule can be developed. A process will be developed for traffic management; if one or both lanes will be closed, the Board will be informed and an email will be sent to residents.

SEVENTH ORDER OF BUSINESS

Engineer's Report: *Hole Montes, Inc.*

A. Consideration of Award of Contract for Sandpiper Drive Traffic Signal *(to be provided under separate cover)*

Mr. Cole distributed the results from the bid opening and stated the bid received was from Mr. Doug McIntyre, of American Infrastructure Services (AIS), the same company that did the 951 traffic signal several years ago. All required forms and documentation were submitted. The bid was \$1,318,861.35. About one year ago, he suggested a budget of \$950,000; however, material costs increased tremendously. While the cost estimated from the traffic consultant Trebilcock Consulting Solutions (Trebilcock) to the Florida Department of Transportation (FDOT) was about \$1.1 million, the bid was approximately \$1.3 million. His understanding is that the costs of items such as mast arms and electronics increased substantially. He is unsure why only one bid was received but it might be a timing matter. The current contract time frame is 180 days for substantial completion and 210 days for final completion. AIS thinks the time needs to be extended another 90 days because of material and procurement delays. He estimated, if the contract is awarded in April, the signal might be operational by March 2024, instead of January

or February. Trebilcock is addressing another round of FDOT comments to the submittal this week and issuance of the permit is expected soon. He suggested obtaining amended plans from Trebilcock, reviewing them with the bidder to see what might change on the pricing and presenting them at the next meeting with the final pricing.

Mr. Cole stated another option is to re-bid the project with the updated pricing and time frame.

Discussion ensued regarding the 30-day advertising requirement, CDD #2's role in executing the contract, CDD #1's approval of the contractor and whether to encourage re-bidding the contract.

On MOTION by Mr. Schmitt and seconded by Mr. Slater, with Mr. Schmitt and Mr. Slater in favor and Mr. Badessa and Mr. Christensen dissenting, encouraging CDD #2 to incorporate the changes discussed and to seek additional bidders, was not approved. [Motion failed 2-2]

B. Discussion/Consideration of Trebilcock Consulting Solutions, P.A., Proposal for Traffic Calming Improvements on Cherry Oaks Trail

Mr. Cole presented the Trebilcock proposal for Traffic Calming Improvements on Cherry Oaks Trail. He noted that a similar proposal was previously submitted to the Cherry Oaks HOA and the HOA chose not to pursue the project.

Discussion ensued regarding the need for a traffic study, County requirements, the previous proposal and whether the CDD or the HOA should fund such improvements.

On MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, taking no action of the bid, at the CDD level, and noting that the CDD will support the project if pursued by the HOA, was approved.

Discussion ensued regarding the HOA funding the proposed improvements.

Mr. Cole confirmed that the current cost estimate is \$21,000. Mr. Pires stated a right-of-way permit will be needed from the CDD and opined that the County might require a traffic study for issuance of such a permit.

EIGHTH ORDER OF BUSINESS

Consideration of Award of Contract for Pump House #2 Irrigation Replacement (to be provided under separate cover)

Mr. Cole stated the bid opening was held on March 21, 2023. Three qualified bids were received, as follows:

Boromei Construction	\$971,033.00
Metro Pumping Systems	\$739,977.77
D.N. Higgins	\$867,380.00

Mr. Cole stated that the low bidder, Metro Pumping Systems (MPS), is the apparent low bidder, with a responsive, responsible bid of \$739,977.77 and provided all required documentation. MPS is the CDD's maintenance contractor and built the pump stations. He discussed his experience working with Mr. Seidel over the last 20 years.

The scope of work was discussed.

Mr. Cole stated the pump station in question is in CDD #2 and the CDDs share costs.

On MOTION by Mr. Slater and seconded by Mr. Schmitt, with all in favor, awarding the contract to Metro Pumping Systems the Pump House #2 Irrigation Replacement project, as presented, was approved.

NINTH ORDER OF BUSINESS

Consideration of Proposals for Pump House #2 Roof Replacement

Mr. Cole stated the architect's \$32,000 proposal was received last month. The project was approved with a not-to-exceed amount of \$35,000 and Mr. Adams signed the proposal. Staff will continue working with the contractor and with The Foundation and appropriate parties regarding the design and specific work to be completed.

TENTH ORDER OF BUSINESS

Consideration of Lake Bank Erosion Repair Proposals

Mr. Cole presented the lake bank erosion repair proposals and distributed a map. Following an inspection of all lakes, the areas in most critical need of repair were identified. The proposal includes repair of approximately 1,300 linear feet of erosion in Mallards Landing, between Pepper Tree and Bent Creek and on the south side of Runaway. The project will address lake bank erosion and safety concerns adjacent to lots.

Mr. Pires noted that the CDD is subject to the South Florida Water Management District (SFWMD) permit conditions and failure to maintain the lake in compliance with the permit criteria and permit conditions can result in liability on the part of the district.

Discussion ensued regarding the cost and scope of the project.

Mr. Pires suggested requesting a bid from American Shoreline Restoration. Mr. Cole stated it has been difficult to obtain bids on this type of project, as contractors are very busy. Landshore Enterprises, LLC (Landshore) has a good track record with the CDD.

Runaway Resident Thomas Tomassetti asked for the repair criteria and opined that less than 1' of CDD property might remain in some areas. He asked if Staff inspected the areas and stated his opinion that the areas identified for repair exhibit gradual erosion and there is a 1' drop from the grass to the water behind his home.

Mr. Cole stated the scope of work is prioritized to address the worst areas first; the scope will be reviewed before work begins.

Mr. Christensen recalled that the project was postponed in the last two years and funds was used for the Sales Center. Mrs. Adams stated, in addition to the \$60,000 budgeted, another \$30,000 remains in unassigned Fund Balance.

On MOTION by Mr. Christensen and seconded by Mr. Badessa, with Mr. Christensen, Mr. Badessa and Mr. Slater in favor and Mr. Schmitt opposed, the Landshore Enterprises, LLC proposal, as presented, was approved. [Motion passes 3-1].

- **Sidewalk Repair Project Change Order**
This item was an addition to the agenda.

Mr. Cole distributed the Collier Paving Change Order for an additional 285 square feet of required sidewalk repairs along Mulberry Lane due to extensive root damage.

Discussion ensued regarding the ruling for addressing these issues and the need for homeowners to remove the trees causing the damage. Mr. Cole stated, in his experience, despite the rule, these issues will persist and can grow worse for as long as 10 years or more, until all the trees are removed and all sidewalks replaced.

Discussion ensued regarding the extent and persistence of the issue.

Mr. Schmitt stated some affected residents are working together and beginning the process to remove problem trees, with approval from the Architectural Review Committee (ARC). He thinks residents on that street need to be informed that they will be responsible for additional damage.

Mr. Cole stated he will email a list of the affected addresses to the Board and Staff.

On MOTION by Mr. Slater and seconded by Mr. Badessa, with all in favor, the Collier Paving Change Order, in the amount of \$8,897.70, was approved.

ELEVENTH ORDER OF BUSINESS

Discussion/Consideration of Landscape Architect *(to be provided under separate cover)*

Mr. Slater expressed his opinion that the price is high and asked for the scope of the proposal. Mrs. Adams stated her main concern is the Bougainvillea and other plantings along the guardrails.

Discussion ensued regarding maintenance and potential replacement of the Bougainvillea.

Mr. Barrow stated constant shearing of Bougainvillea reduces its life expectancy. He discussed several varieties and noted that the New River variety at the Veneta fountain is less problematic than others. He discussed Bougainvillea maintenance considerations.

Ms. Benedetti opined that, while some additional plants were installed in the median at the entrance, the lack of maintenance and numerous plantings make the median look dated. She feels that some areas need to be readdressed and made more current and some

Bougainvillea along the barriers have not been trimmed as they should have been. In her opinion, if new plants are planted in the empty spaces, the existing plants should be trimmed to an appropriate size.

Soil considerations and the upcoming Bougainvillea hard cuts after Easter were discussed.

Mr. Barrow stated he will plant New River Bougainvillea at the two vacant islands at the Veneta entrance on Friday.

Discussion ensued regarding the need for a comprehensive landscape management plan to address ongoing plantings and maintenance.

Mr. Barrow discussed his plantings and fertilization recommendations. The consensus was for Mr. Barrow to manage the GulfScapes plantings and maintenance rather than to engage the Landscape Architect.

TWELFTH ORDER OF BUSINESS

Discussion/Consideration of Championship Gatehouse Remodeling

This item was discussed during the Sixth Order of Business.

Mr. Parisi will send a schedule to the Board and Staff. The Foundation will email residents accordingly.

THIRTEENTH ORDER OF BUSINESS

Discussion: CDD #2's Concern of Traffic Signal Cost Sharing

Mr. Slater asked how much was budgeted to the traffic signal cost sharing expense. Mr. Adams stated \$352,000 is allocated to the traffic signal costs. Mr. Slater expressed his opinion that CDD #1 does not have a technical or legal right not to pay its cost share amount; he believes CDD #1 is responsible for 50% of the cost of the traffic signal.

Mr. Schmitt discussed the history of the Halvorsen site and why he believes CDD #2's actions to be in violation of the Interlocal Agreement. He suggested CDD #1 answer CDD #2's letter and provide what he believes is CDD #1's share in compliance with the Interlocal Agreement, which he thinks is a 50/50 cost share of the sum total after any external

contributions CDD #2 receives. He stated that he does not understand why the Agreement between CDD #2 and the Developer to facilitate the development of the Halvorsen site was done without any input from CDD #1 when the Agreement impacts CDD #1. He thinks it was in violation of the Interlocal Agreement, which makes the Interlocal Agreement null and void.

Mr. Christensen recalled that the Interlocal Agreement executed in 2013 was amended in 2014. He thinks the First Amendment arose because of the possibility that CDD #1 was going to get money back from a construction account and the Agreement stated that any monies that came in would be split 50/50 between the two CDDs. He noted that the First Amendment is not referenced in any of the documents. He is saddened that the two Boards cannot engage in dialogue and believes that, if the CDDs get into a lawsuit against each other, both will lose and the CDDs will not win.

Mr. Slater agreed with Mr. Schmitt but voiced his opinion that a lawsuit will cost more in the long term.

On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with Mr. Schmitt, Mr. Badessa and Mr. Christensen in favor and Mr. Slater dissenting, sending a letter to CDD #2 advising that CDD #1 will comply with the Interlocal Agreement and provide 50/50 of the soft cost share of the project cost after subtracting all external contributions received by CDD #2, was approved. [Motion passed 3-1]

Discussion ensued regarding how to respond to CDD #2. Mr. Slater stated a letter would be appropriate, given that he received two letters from CDD #2.

Mr. Slater left the meeting.

Mr. Schmitt voiced his opinion that CDD #2's negotiation with Halvorsen was in disregard to CDD #1 and in violation of the Interlocal Agreement. Mr. Christensen and Mr. Badessa disagreed with Mr. Schmitt's opinion on that part of the argument and discussed their reasons.

FOURTEENTH ORDER OF BUSINESS

Consideration of First Horizon Bank Remaining Renewal Loan Documents

Mr. Adams presented the following and responded to questions:

- A. **Consideration of Renewal Revolving Credit Note**
- B. **Consideration of Amended and Restated Revolving Loan Agreement**

Mr. Pires presented the redline versions of the documents.

On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, the First Horizon Bank Remaining Renewal Loan Documents, the redline versions of the documents, preparation of an appropriate Resolution and authorizing the Chair or Vice Chair to execute, was approved.

FIFTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2023

The Unaudited Financial Statements as of February 28, 2023 were included for informational purposes. Mrs. Adams distributed and reviewed the Financial Highlights Report.

The financials were accepted.

SIXTEENTH ORDER OF BUSINESS

Approval of February 22, 2023 Regular Meeting Minutes

Mrs. Adams presented the February 22, 2023 Regular Meeting Minutes.

On MOTION by Mr. Schmitt and seconded by Mr. Badessa, with all in favor, the February 22, 2023 Regular Meeting Minutes, as presented, were approved.

SEVENTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Items 2, 3, 4, 6, 7, 10, 11, 13, 14 and 15 were completed.

Item 8: Mr. Cole sent to contractor to have removed.

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: April 26, 2023 at 8:00 A.M.**
 - **QUORUM CHECK**

Supervisors Badessa and Christensen confirmed their attendance at the April 26, 2023 meeting. Supervisor Schmitt will not attend.

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

Mrs. Adams distributed and presented the Monthly Field Operations Report.

Mr. Christensen asked if the mosquito control program is effective. The consensus was that it is ineffective and not cost effective. Mrs. Adams was directed to cancel the contract.

NINETEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

TWENTIETH ORDER OF BUSINESS

Public Comments

Resident Fred Creamer stated Action Item #9 is not completed, as Mr. Cole has not yet relocated the Cherry Oaks Trail speed limit sign.

Mr. Cole read a response to the email he sent earlier in the meeting, in which Norm stated that the Fire Department is a bit of a challenge. He will contact the Fire Department to discuss and report his findings at the next meeting.

Resident Richard Peters asked if the corner of Sandpiper and Fiddler's Creek Parkway is intended to be a trailer site. Mr. Schmitt stated the landscaping will be installed soon. A Temporary Use Permit will allow for the site to be used as a storage area and construction office. Mr. Parisi stated some other structures will be located on site.

TWENTY-FIRST ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 9:53 a.m.



Secretary/Assistant Secretary



Chair/Vice Chair