

**MINUTES OF MEETING
FIDDLER’S CREEK COMMUNITY DEVELOPMENT DISTRICT #2**

The Board of Supervisors of the Fiddler’s Creek Community Development District #2 held a Regular Meeting on December 12, 2018 at 10:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present at the meeting were:

Elliot Miller	Chair
Victoria DiNardo	Vice Chair
Bill Klug	Assistant Secretary
Linda Viegas	Assistant Secretary
John Nuzzo	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Jason Olson	Assistant Regional Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Carrie Robinson (via telephone)	Special Counsel
Tony DiNardo	Developer
Robert Dieckmann	Project Manager
Marie Puckett	Fiddler's Creek Security
Rich Yovanovich	Counsel for Taylor Morrison
Monique Irmen	Resident
Marlo McQuaker	Resident
Gerry Gorman	Resident
Leroy and Joan Smith	Residents

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 10:00 a.m. All Supervisors were present, in person.

Mr. Miller asked for an update on the Veneta fountain. Mrs. Adams stated it was down due to a cracked pipe that was leaking. Everything had to be shut down and the fountain drained to locate the crack and repair it. The fountain will be pressure cleaned this week, while

it is empty, and, would hopefully be operational by Friday. The ficus bushes around the fountain will be cut down, the stumps would be treated so they stop growing, and they will be replaced with a buffer hedge. Mr. Miller asked if the ficus were the cause of the crack. Mrs. Adams stated the contractor believed so.

SECOND ORDER OF BUSINESS**Public Comments: Non-Agenda Items**

Mr. Miller asked if there were any public comment cards submitted. There was one.

Mr. Leroy Smith, a resident, noted the two traffic circles in Aviamar Circle, one at Dorado Lane and one at Amaranda, where the Pulte homes are being built. Cars and trucks are going the wrong way around the circles and he observed bicyclists almost getting hit. He spoke to the Sheriff's Department who suggested installation of a sign at each circle, similar to the one at the entrance to Aviamar, rather than the small arrow signage currently there. The sign at the Aviamar entrance says "Only". Mr. Smith noted that the Sheriff's Department believed that it is a private road. Mr. Smith stated the Sheriff would be happy to patrol that area if Security requested it. It was also recommended that Security patrol that area to catch those going the wrong way. Ms. Puckett stated she does not have the resources to have security presence at the circles. Mr. Miller stated that the roads are not private and suggested that the District Engineer determine the proper signage needed. Discussion ensued regarding the approval needed to change the signage. Mr. Cole stated that the intersection already contains signage approved by the County but he would check. Mr. Miller asked if the County approved the actual signs currently in place and, if so, whether the District must obtain approval for a different type of sign. Mr. Cole stated that he would check; if a different sign is desired, it may require County approval to change the signs. Mr. Pires did not know if County approval would be required and stated the District Engineer should make a recommendation.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, authorizing Staff to change the signage, as discussed, provided it can be done without the County's approval, was approved.

Mr. Nuzzo suggested Mr. Smith ask the Sheriff to patrol the area, since it is a public road. Mr. Miller confirmed that all roads in CDD #2 are public roads. Discussion ensued regarding the frequency of the Sheriff's patrols, locations, etc. Mr. Miller stated that Staff will find out about the signs, Ms. Puckett will contact the Sheriff's Department, new signs would be installed if it can be done without the County's approval and, if necessary, the County's approval would be obtained.

Ms. Viegas stated that she rides her bike around both circles and the Aviamar fountain entrance circle multiple times a day and cars go the wrong way at all of them even with the "Only" sign; although nothing would likely change, she had no problem with new signage.

Mr. Miller requested that Mr. Rich Yovanovich be allowed to speak next.

▪ **Taylor Morrison Request – Rich Yovanovich**

This item was an addition to the agenda.

Mr. Yovanovich, representing Taylor Morrison (TM), introduced himself. He requested the Board's consent to TM applying to the County to have 210 acres, currently within CDD #2's boundaries, removed from CDD #2 and turned over to TM, since TM purchased the land. There would be no expense to CDD #2 for filing, or any other costs. Mr. Miller stated that it must be made clear that there will be no expectations, on the part of TM, that they will receive any services from CDD #2. Mr. Yovanovich stated that TM's intention is to create another CDD for those purposes. Mr. Miller stated the County must approve a new CDD and asked if the removal of the 210 acres of land currently in CDD #2's boundaries would be contingent upon the County allowing TM to create a new CDD, and if removal would only take effect upon approval of a new CDD. Mr. Yovanovich replied affirmatively. Mr. DiNardo stated that TM may choose not to create a new CDD. Mr. Yovanovich stated his understanding was that TM wants to create a new CDD but has not looked at the next step; TM would like the flexibility to provide the services itself or through a CDD; therefore, it would not be contingent. Mr. Pires stated that part of the application would include what services have and have not been provided. Mr. Yovanovich added that any existing CDD #2 debt on the property will be transferred to the new property or paid off by TM so there would be the proper severance.

Mr. Klug asked where the item was located on the agenda. Mr. Miller stated it was not on the agenda. Mr. Klug asked if the Board could still take action on this today, since it was not

on the agenda. Mr. Pires replied affirmatively but, since it was not on the agenda, the audience should be given the opportunity to speak on this matter. No audience members wished to speak.

On MOTION by Ms. DiNardo and seconded by Mr. Nuzzo, with all in favor, consenting to Taylor Morrison’s request to apply to the County for removal of 210 acres of land from CDD #2, subject to review of the documentation of the removal of the pink area on the map, and authorizing the Chair to execute any consent document required by the County and found to be acceptable by the Chair, District Counsel and District Management, were approved.

Mr. Klug requested that the map depicting the area to be removed be included as an exhibit to the minutes.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors, Elliott Miller [SEAT 2] and Bill Klug [SEAT 5] *(the following to be provided in a separate package)*

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Supervisors Miller and Klug. The following items were provided:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - i. Form 1: Statement of Financial Interests**
 - ii. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - iii. Form 1F: Final Statement of Financial Interests**
- D. Form 8B – Memorandum of Voting Conflict**

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2019-01, Electing the Officers of the Fiddler’s Creek CDD #2, Collier County, Florida

Mrs. Adams presented Resolution 2019-01. Mr. Klug nominated Supervisors Miller and DiNardo for Chair and Vice Chair, respectively, with the remainder of the slate of officers remaining the same, as follows:

Chair	<u>Elliot Miller</u>
Vice Chair	<u>Victoria DiNardo</u>
Secretary	<u>Chuck Adams</u>
Treasurer	<u>Craig Wrathell</u>
Assistant Secretary	<u>Bill Klug</u>
Assistant Secretary	<u>Linda Viegas</u>
Assistant Secretary	<u>John Nuzzo</u>
Assistant Secretary	<u>Craig Wrathell</u>
Assistant Treasurer	<u>Jeff Pinder</u>

The following change was made:

Second WHEREAS, Line 2: Change “#1” to “#2”

On MOTION by Ms. Viegas and seconded by Ms. DiNardo, with all in favor, Resolution 2019-01, as amended, Electing the Officers of the Fiddler’s Creek CDD #2, Collier County, Florida, as nominated, was adopted.

FIFTH ORDER OF BUSINESS

Special Counsel Update

Ms. Robinson stated the depositions are continuing. Mr. Miller asked when Mr. Reyes will finish Mr. Scott Strodthoff’s deposition. Ms. Robinson replied tomorrow. An expert witness deposition is being taken on December 19 and some depositions to be taken in January.

Ms. Robinson asked for an executive session this Friday, December 14 at 8:00 a.m., to discuss various litigation matters that are not appropriate for a public meeting. Mr. Miller asked if both litigations would be discussed. Ms. Robinson replied affirmatively.

Ms. Robinson left the meeting.

SIXTH ORDER OF BUSINESS

Developer’s Report/Update

Since no Developer representative was in attendance, there was no report so the next item followed.

SEVENTH ORDER OF BUSINESS**Engineer's Report: *Hole Montes, Inc.***

Mr. Cole presented Requisition #147 for the Series 2005 Bonds, for approximately \$16,000, for continuing work to complete the subdivision improvements in the Lagomar and Veneta areas related to sewer lines and inspections by GradyMinor. Discussion ensued regarding the sewer line locations. Once final acceptance procedures occur for filing acceptance of those subdivision improvements, the bond will be released. Mr. Miller asked when that would occur. Mr. Cole stated that he hopes within the next few months.

Mr. Klug stated roots have popped some of the bricks up, some have been raised and fallen away, and some areas are sunken on the brick walkway up to and around the Veneta fountain. Mr. Klug asked Mr. Cole to investigate.

Mr. Cole reported the following:

- Contractors willing to do the sidewalk and curb repairs were located and the work will be given to the lowest bidder. Pricing was received for CDD #1 and work will begin in CDD #1 in January. A summary of the repairs needed in CDD #2 was being prepared and pricing would be obtained for CDD #2, once the summary is completed.
- Museo Drive: The sunken areas were inspected after the last meeting and the repairs were completed on Monday. One yard drain was cleaned out and two additional drains were installed in another area. Pooling issues in the area should be resolved. Board Members should report any further pooling issues to Mrs. Adams.
- Lagomar Erosion Repairs: An inspector is inspecting the areas today to confirm if the repairs were completed.

Mr. Cole stated that he is working on a scope of work for lake bank erosion repairs throughout the District, especially around Lake 88. Mr. Miller asked if there were geotubes on that lake bank. Mr. Cole replied affirmatively.

Mr. Cole distributed an update on Hurricane Irma and noted the following:

- The landscape repairs were substantially completed.
- The street light repairs were completed.

- Signage work was substantially completed.

Mrs. Adams stated that she identified some dead trees that need to be replaced, based on the warranty. Mr. Dieckmann stated that the plan was for Juniper to do a pass through in January, after the villages are done, and identify any trees that need to be replaced.

Ms. Viegas noted that a street light in CDD #1, in the median between the Club and the Rookery only has one light instead of two. The second light is broken off and missing. The pole has a pink ribbon around it, which designated it should have been repaired as part of the hurricane restoration. Mr. Dieckmann will investigate it.

Discussion ensued regarding the street light that was just replaced at Amaranda and Aviamar. Pulte refused to pay for the light and contended in an email that there was no proof they knocked it over. Mr. Albeit had distributed the email to the Board from Pulte. Ms. Viegas then distributed a May email to Mr. Albeit, Mrs. Adams, Mr. Adams, Mr. Cole, Ms. Puckett, Ms. Lord and Mr. Pires, from a Pulte employee, acknowledging that Pulte caused the damage and would replace it. In the email Ms. Viegas asked Mr. Albeit if the Pulte email was enough proof. Ms. Viegas stated that she had not heard anything since. Mr. Miller asked Mr. Pires to draft a letter to The Foundation requesting the money from Pulte to pay for the street light. Discussion ensued regarding the funds that are held for each builder and, if Pulte refuses to pay, the District will request that the costs be paid for out of those funds.

- Mr. Cole stated the fence work in CDD #2 was completed.

- Pavers at the Lake 88 bench and other benches throughout the community will be finished soon. Mr. Olson will review all benches in Fiddler's Creek next week to determine if any other benches should be replaced.

- Lennar completed all punch list items in Millbrook and he emailed Ms. Lord that Lennar's deposit could be released.

EIGHTH ORDER OF BUSINESS

Presentation/Consideration of Consulting Proposal by Irrigation Design Group (IDG)

Mrs. Adams stated that, although she and Mr. Adams were supposed to review the proposal prior to it being submitted to the Board, it was received at the last minute so they could not review it before it was included in the agenda package. She and Mr. Adams disagreed

completely with IDG's findings and advised IDG to not attend the meeting. During the CDD #1 meeting, it was determined that the CDDs should have a workshop to include Aqua-Matic Irrigation Systems, Inc., and any others that should be involved.

Mr. Miller stated that the CDDs purchased a new system, about a year ago, but irrigation issues continue. He voiced his opinion that landscapers in each village somehow mess up the system and then the CDDs are blamed; therefore, the CDDs need a universal solution. Mr. Adams stated the workshop needs to include the CDDs, The Foundation, and the Golf Course, because they all control the system. What the master control system is supposed to do must be outlined.

Ms. Monique Irmen, a resident, stated that there are significant costs in Mussorie to manage the irrigation system. The heads clog and Mussorie is not getting water and the chemical injections are not doing anything. Ms. Viegas asked if Mussorie has filters. Ms. Irmen replied no, because Taylor Morrison told her that the CDD told them that filters were not necessary. Mrs. Adams stated that she was not contacted and would not have told TM not to get them. Ms. Irmen would forward the name of the person at TM. Mr. Miller stated this is not the time to discuss irrigation at a village level.

Mr. Klug asked why the IDG proposal was obtained, as he felt that it seemed premature and that an analysis is needed before the workshop. Mr. Miller felt that, before the workshop, there should be an agenda, an analysis of what will be in the workshop agenda and the Board should be able to consider the analysis, prior to participating in a workshop. Ms. DiNardo questioned if it is necessary to first know which villages have filters and which do not, as those without might have more issues. Mr. Adams stated that there are separate topics to be discussed. Mr. Miller stated that there will be an item on the agenda, that will be received in advance of the workshop, which will deal with how each village treats this issue; that will be one of the items discussed at the workshop and there will be an agenda item that acknowledges that different villages have different irrigation infrastructures.

Mr. Klug stated that, according to the proposal, it is clear that one thing needed for the system to be successful is for all controllers to be connected to the central system; therefore, if villages opt out, it would be an issue. Mr. Miller agreed this should be a topic for the workshop.

Mr. Adams stated, from a control aspect, this is the first item to address; all villages should be under the same system.

Ms. Marlo McQuaker, a resident, stated it is a control issue in Amador. TM was supposed to install piping and connect the system to the satellites but many homes are still on battery pack so it continues to be an issue. She questioned if the builders are being checked to make sure new homes are added to the satellite. Mr. Miller stated that is an issue and there is a ladder of issues to be discussed; the purpose of the workshop will be to develop an approach to each one of the villages and corresponding entities involved in this matter.

Mr. Gerry Gorman, a resident, asked if the workshop will be open to the public. Mr. Adams stated that all Board meetings and workshops, with the exception of Executive sessions, must be open to the public. Mr. Gorman felt that clogged filters are a major issue and suggested that the CDDs have all the villages use one irrigation vendor, since most villages have an irrigation contract. Mr. Miller doubted that all the villages would agree. Mr. Nuzzo stated there are many items involved and noted that he dealt with them while on the Chiasso Board. There are major problems at each level and those would continue, due to the human element. Ms. DiNardo concurred.

Mr. Pires stated, as part of the workshop, there should be a discussion of implementation because the District can adopt rules surrounding the irrigation system and one of the rules could be how villages connect, receive service and discontinuance of service; if rules are to be adopted, the District must follow the statutorily required rule adoption process.

Ms. Viegas noted that Staff recommended IDG and, in previous meetings, stated that they worked with them before. The IDG proposal raised a lot of concerns, such as the proposal stated that the systems present limitations, current site conditions are a problem, as well as coordination and management of the system, and asked if Mrs. Adams was saying that IDG's findings were not true. Mr. and Mrs. Adams stated they did not agree with a lot of IDG's findings. Mrs. Adams stated that she would not work with IDG on this matter any longer; she will consult another contractor who has worked in Fiddler's Creek for the past 20 years.

Ms. Puckett stated she did not think IDG was capable of dealing with a system of this size. She noted to Ms. McQuaker that switching homes from battery pack to the satellite worked in other villages with other builders.

Ms. Irmen voiced her opinion that the Board should focus on the root cause of why some villages are going off the system. Her village had to water daily because Juniper used a chemical that killed their grass so they had to flush out the system, which meant they had to go off the satellite.

Ms. DiNardo asked when the workshop would be held. Mr. Adams projected early February.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2018

Mr. Adams presented the Unaudited Financial Statements as of October 31, 2018. Many of the invoices for fiscal 2018 year-end were being accrued and had not been booked. The October financials mostly reflected one-time expenses. He distributed revised pages containing the footnote Mr. Miller requested at the last meeting and another page where the footnote cell was cut off.

Mr. Miller stated, regarding the footnote he requested, he had been working with Ms. Alice Carlson, of AJC Associates (AJC), regarding the interpleader case and the need to get the principal balance for the 2003 bonds, which are at issue, finalized. Ms. Carlson determined it should be \$15 million, which is an \$11 million difference. Mr. Miller stated he sent Ms. Carlson's email to Mr. Adams, Mr. Pinder, and the Auditor, and noted that he would like that amount to be reflected in the footnote. Mr. Adams stated it cannot be footnoted until it is applied and the debt is reduced and a statement is received from the Trustee; what is currently stated is accurate. It could be footnoted to indicate that a specified amount has been transmitted, technically reducing the District's debt to a certain amount, even though the statements still show something different. Mr. Miller stated that the District is involved in litigation of which the balance of the Series 2003 bonds is a serious issue; therefore, he wants Ms. Carlson's analysis taken into account and having it in a footnote is fine. Mr. Adams asked if Ms. Carlson had it in a schedule and, if so when it is in final form, it could be attached, as an additional schedule in the financials, and be referred to in the footnote.

Ms. Viegas asked why the Controller Repairs and Maintenance expense, under Irrigation, was at 175% of budget in the first month of the new fiscal year. Mr. Adams stated he

saw that but could not find the entry; he believed it may have been miscoded. He would find out. Ms. Viegas asked for confirmation that all three contractual line items having no October expense were due to the accruing and noted the concern with the access control line item, since there had been no expense charged for at least two months. Mr. Adams stated he saw two amounts coming through this week.

TENTH ORDER OF BUSINESS**Consideration of Minutes****A. October 24, 2018 Regular Meeting**

Mrs. Adams presented the October 24, 2018 Regular Meeting Minutes.

The following change was made:

Lines 215 through 216: Delete "NOTE: I could not find the following statement in the minutes of the last meeting, but I did not delete it."

On MOTION by Ms. DiNardo and seconded by Ms. Viegas, with all in favor, the October 24, 2018 Regular Meeting Minutes, as amended, were approved.

B. October 30, 2018 Emergency Meeting

Mrs. Adams presented the October 30, 2018 Emergency Meeting Minutes.

The following change was made:

Line 19, First Column: Change "Residents" to "Linda and Robert Farley"

Line 19, Second Column: Insert "Residents"

On MOTION by Ms. DiNardo and seconded by Ms. Viegas, with all in favor, the October 30, 2018 Emergency Meeting Minutes, as amended, were approved.

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

Mr. Pires reported the following:

- The assignment dedications and interlocal agreement regarding the lake behind Cranberry Crossing was executed by CDD #1 and CDD #2 and will be recorded.

➤ He and others met with County staff regarding the storm water utility fee that was discussed at the last meeting and the County still thinks that a storm water utility fee is the most equitable, fair and appropriate approach.

Mr. Pires stated that he is not sure what will happen. The County made some comments about receiving complaints about the drainage in the CDDs' systems but, when questioned about whether it was ever reported to the CDDs, the County stated not always. Mr. Pires asked them to provide documentation of the frequency of the complaints and when they notified the CDDs. Mr. Pires gave the example of where the County lakes go into Pelican Marsh's system and it was found that the County lakes were causing the problems. Ms. DiNardo and Mrs. Adams noted that there were similar issues in Fiddler's Creek where the County's lakes caused the issues.

Mr. Miller voiced his opinion that the County is a bureaucracy and its staff knows nothing except for what it wants to know and there is no sense of judgment, propriety, or balance of any equity; the County only knows its way and presumes that they are right and everyone else is wrong. Mr. Miller stated that the District has as much claim to levy a charge against the County for clearing their water, if not a greater claim than the County has towards the CDDs. Mr. Miller asked what happened to the committee that was supposed to be formed that he wanted Mr. Pires to join. Mr. Pires had not heard anything further about it. Mr. Miller requested Mr. Pires ask Commissioner Taylor if she would support a committee. Discussion ensued.

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

i. NEXT MEETING DATE: January 23, 2019 at 10:00 A.M.

The next meeting will be held on January 23, 2019 at 10:00 a.m.

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

- **Consideration of SOLitude Lake Management Proposals**
 - **Wax Myrtle Removal**
 - **Wax Myrtle Removal Revision**

Mrs. Adams presented the proposals. Mr. Miller noted that the proposals identified Mediterra CDD.

Ms. Viegas noted a number of questions with the two proposals regarding Lake 85 and the littoral shelf. At the last meeting the Board requested a second proposal for replacing only the dead wax myrtles with new wax myrtles; however, the proposal is for replacing the dead wax myrtles with grasses, which, in her opinion, would look inconsistent. Mrs. Adams stated that she misunderstood and thought the Board wanted the dead wax myrtles replaced with grasses. Ms. Viegas noted the proposal last month was for one-gallon grasses and this month the proposal was for three-gallon grasses, which were much more costly. Mrs. Adams stated she went with the three-gallon size to fill in the areas more but, if the Board wants them to be replaced with more wax myrtles, she would do so; however, some residents do not like the wax myrtles. Ms. Viegas stated that she spoke to Callista residents and they wanted wax myrtles, rather than more grasses. Mr. Miller stated that the decision must be made based on the District but one thing to consider is Ms. Viegas' information that some residents want more wax myrtles and not grass. Ms. DiNardo noted Mrs. Adams' comment that some residents want grass and not the wax myrtles. Mr. Adams felt that the issue is the poor appearance and, if the dead wax myrtles are removed and replaced with something green, everyone will be happy; he recommended planting 15-gallon wax myrtles to remain consistent. Discussion ensued regarding possible plant options.

On MOTION by Ms. Viegas and seconded by Ms. DiNardo, with all in favor, replacement of the dead wax myrtles with new wax myrtles and for Staff to proceed, was approved.

Mrs. Adams reported the following:

- The fish kill in Lake 88 was due to golden algae and treatments were underway. There was discussion about the algae, where it came from, and previous instances.
- Landscape Beds: A response from The Foundation remained pending and, if a response is not received by the time Mrs. Adams returns from vacation, she would execute a contract with LandCare and schedule the work. The Board previously approved a not-to-exceed amount.
- The Tree Pruning/Crown Reduction Project will commence in January.

➤ The replacement benches for around the Veneta fountain will be ordered from the same vendor that Mr. Dieckmann is using. As noted earlier, Mr. Olson will be reviewing all the benches in Fiddler's Creek and the order will be placed for replacements, as needed.

Mr. Klug asked if benches without backs should be considered and noted that he did not recall ever seeing anyone sitting on the benches around the Veneta fountain. There was discussion about benches, who uses them, whether anyone sits on them, whether to have benches with a back or no back, etc. The Board agreed that Staff should obtain alternative proposals; one for benches with backs and one for benches without backs to determine the cost difference. It was suggested to have benches with backs around the fountains and benches without backs along the lakes but, if there was no material cost difference, benches with backs would likely be selected. If benches without backs are selected, it must go to the Design Review Committee (DRC) for approval because it would be a change.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

There being no Supervisors' requests, the next item followed.

THIRTEENTH ORDER OF BUSINESS

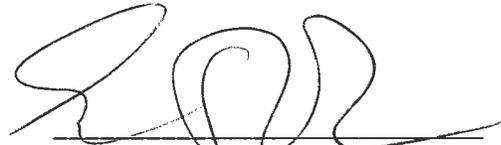
Adjournment

The meeting recessed and was continued to Friday, December 14, 2018 at 8:00 a.m., on the Second Floor, in the Egret Room.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair

ATTACHMENT

Hand out

