

**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 March 27, 2019 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 (via telephone)	District Manager
Cleo Adams	Assistant Regional Manager
Jason Olson	Assistant Regional Manager
Tony Pires	District Counsel
Barry Jones	Holes Montes
Ron Albeit	Developer
Valerie Lord	Developer Counsel
Shane Willis	Fiddler's Creek Security
Aaron Raistick	Pulte
Jack Praet	Pulte
Gerard Gorman	Resident
Marlo McQuaker	Resident
Monique Irmen	Resident
John Campbell	Resident
Michael Buck	Resident
Shannon Benedetti	Resident
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

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

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

Mr. Gerard Gorman, a resident, noted cracked sidewalks and valley gutters in Mussorie, which he photographed. There was a walk through with Taylor Morrison because the community was being turned over to the homeowners on May 9. He wanted to make the CDD #2 Board aware of the damage and he told the builder they should take responsibility but the builder said it was a CDD #2 issue because the CDD has a bond.

Mr. Miller explained that there are escrow funds held by The Foundation from every builder. He asked Mr. Jones to inspect the sidewalks and gutters and provide his findings to Mr. Pires, who will send a letter to Ms. Lord, advising The Foundation to hold the funds until Taylor Morrison (TM) makes the necessary repairs. Mr. Klug asked who determines if they are stress cracks versus regular wear. Ms. Viegas said the engineer will determine as they did in Millbrook. Discussion ensued.

Ms. Marlo McQuaker, a resident, stated she spoke to Mrs. Adams and Mr. Miller about irrigation issues with TM. Mr. Dieckmann and the Design Review Committee (DRC) viewed the area a few weeks ago. CDD #2 and Amador have a piecemeal area of property with a tree that is not being trimmed; LandCare was trimming other trees but the one large tree between the sign and the home at 9185, which is on CDD property, was not being trimmed and she requested that it be trimmed. She also requested that a dead coco plum bush be removed. The irrigation issue involved the way TM ran the irrigation lines in Amador, where they ran the irrigation lines for two homes together. The home at 9564 has irrigation water running back into his home. The District agreed to add a drain on their property and she asked TM to relocate the irrigation on the side of the home from CDD #2's property. Mr. Miller asked Ms. McQuaker to send the TM contact information to Mrs. Adams who would coordinate with TM.

**THIRD ORDER OF BUSINESS****Special Counsel Update**

Mr. Miller stated that the District was in litigation with US Bank for years. The initial

funds being taken from the remedial accounts.. As trial got closer, the claim was increased to \$1.418 million. The claim against US Bank was settled for \$1.35 million; he would be signing the documents today.

Mr. Miller stated that the interpleader litigation remained ongoing.

#### FOURTH ORDER OF BUSINESS

#### Health, Safety and Environment Report

Mr. Willis gave a PowerPoint presentation and highlighted the following:

- There are three gate access options. Despite his staff not being first responders, they continue receiving calls that should go to 911.
- Email blasts were sent out in February. Safety presentations included ISN issues and an "Owl Talk."
- The gate arms at all the entrances went up and down 52,119 times in February, which was less than in January.

Mr. Miller asked if the lower number was due to malfunctioning arms. Ms. Viegas noted that February was a shorter month. The weekly averages were also lower.

Ms. Viegas asked if the transmitter that was discussed last month was fixed. Mr. Willis stated the transmitter was replaced. There was a clicker issue because the information for some homeowners was erased when ISN did a software update; he advised ISN that it cannot happen again.

- The Traffic Hawk mobile unit took 30,000 pictures in February. As 85% were still driving below 37 miles per hour (mph), the District does not have a speeding problem; it just has some individuals who speed. Staff contacted vendors and residents who have been speeding.

Mr. Miller asked about stopping at stop signs. Mr. Willis stated the Traffic Hawk was at stop signs and traffic circles. Mr. Nuzzo asked for a brief description of the Traffic Hawk. Mr. Willis stated the Traffic Hawk is a box that sits on top of a tripod and is camouflaged. It is triggered by a vehicle or bicycle passing by and notes the speed and takes a picture of the vehicle. Sometimes there are double photos when vehicles pass by in different directions at

➤ Patrol mileage was 11,500, since January 1. There were 593 incidents year-to-date, with a majority being parking-related, followed by open garages.

Mr. Miller asked if anyone was sent to the fining committee in March. Mr. Willis replied no and noted that the pickup truck issue decreased.

➤ A large, aggressive alligator was found behind a home in Runaway Bay and was removed from the community. Alligators should not be fed because they then associate humans with food and must be destroyed. A lot of pythons have been found in southwest Florida.

➤ Construction signs mentioned at the last meeting had to be redesigned. The gate operator replacement was being bid; so far two were received but he would like one more. The permanent Cranberry Crossing Traffic Hawk was due to arrive next week; it would be installed on a light pole.

➤ Hurricane preparation and the integration of the pressure cleaning team into the safety department were underway. The pressure cleaning machine was broken the last two days, but, otherwise, it is out every day.

Mr. Pires stated that he drafted a memorandum for consideration to post signage about the presence of alligators in CDD lakes for CDD #1 and other Districts. CDD #2 would receive a copy of the memorandum. Ms. Viegas asked if the DRC must approve it and noted that there are signs around the lake at The Club. Mr. Pires suggested that the Board review the memorandum at the next meeting and review County regulations and pursue it from there.

Mr. Miller asked if there was any reduction to people driving the wrong way in the traffic circles. Mr. Willis stated yes and no. Ms. Viegas mentioned her request to have the Traffic Hawk at the Marengo/Aviamar traffic circle and asked how long it was there. Discussion ensued regarding traffic circles. Mr. Miller suggested an e-blast reminding residents to go the right way around traffic circles. Mr. Willis stated that he planned on doing that; the Sheriff's office also noted instances of people driving the wrong way.

Ms. Viegas asked if the dumpsters on Dorado Lane could be emptied more frequently, as they were overflowing and trash was blowing; homeowners called Security to complain. Mr. Albeit stated that he would address it.

**SIXTH ORDER OF BUSINESS**

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

Mr. Jones stated that the Lagomar Court lake erosion issue was nearing completion. Concrete repairs, which were approved by CDD #1 this morning, would now commence and should be completed within the next two to three weeks, but it could take longer. Work on the concrete fence along Sandpiper, next to Aviamar, should start within the next couple of weeks. Quotes are being obtained for the Veneta paver repairs and asphalt as well.

**SEVENTH ORDER OF BUSINESS**

**Consideration: Approval of  
Encroachments – Pulte Home, 2783  
Aviamar Circle**

Mr. Pires stated Pulte submitted a proposal for an encroachment for a 1' roof overhang and a 3' X 3' pad onto a CDD #2 drainage easement. Ms. Viegas had brought some scrivener's errors in the Agreement to his attention, which would be corrected. Pulte's Engineers drafted the Agreement. Mr. Aaron Raistick and Mr. Jack Praet, of Pulte, were in attendance. Mr. Miller asked how this came about. Mr. Praet stated he believed the shifting from multi-family to single-family platting may have caused the issue; the County discovered it.

Mr. Pires asked who from Pulte would be able to sign the Agreement. Mr. Praet stated that Mr. Scott Brooks could sign it. Discussion ensued regarding executing the Agreement.

Ms. Viegas stated there were a number of issues with Pulte that she wanted to raise. First was the street light that Pulte knocked over and has refused to reimburse the District for the repairs. Mr. Praet stated a check was cut and he would provide it to Mrs. Adams. Ms. Viegas mentioned other issues, including the overflowing dumpsters that resulted in trash blowing into the yards of Millbrook residents, Pulte contractors driving the wrong way around

Mr. Raistick stated he would address the schedule for the dumpsters. He explained that the dumpsters were sometimes empty at the beginning of the day but overflowing by the end of the day. Ms. Viegas suggested that Pulte might need more dumpsters.

Mr. Jones discussed the issue with the transformer. Mr. Praet stated that Pulte did not cut a line and that Florida Power & Light (FPL) must reconnect the transformer. Mr. Jones and Mr. Praet would resolve this matter. Ms. Viegas asked Mr. Praet and Mr. Raistick to talk to their contractors and subcontractors about driving the right way around the traffic circle.

Discussion ensued about the potential issues if the eventual owner of the property could not do what is necessary if the items have to be removed and Pulte having financial responsibility to do so, if necessary. Mr. Miller suggested putting in a secondary liability in the Agreement so that, if the eventual owner does not have the financial ability, then Pulte must be responsible for removing the encroachment. Ms. DiNardo made the motion and Ms. Viegas seconded. The motion was approved subject to modifications as discussed. Mr. Pires will make the changes and send to Pulte for signature.

**On MOTION by Ms. DiNardo and seconded by Ms. Viegas, with all in favor, the Pulte Encroachment Agreement for 2783 Aviamar Circle, subject to the additional liability that, if the eventual owner does not have the financial ability to remove the encroachment, then Pulte remains liable, was approved.**

**EIGHTH ORDER OF BUSINESS**

**Consideration: Tree Trimming and Irrigation Management Proposals from Fiddler's Creek Foundation, Inc.**

This item would be discussed at the workshop later today.

Ms. DiNardo noted that some of the villages were missing from the proposal. Mr. Albeit stated that will be discussed this afternoon.

**NINTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of February 28, 2019**

Ms. Viegas asked where the GIS expense would be booked, since it was not budgeted. Mr. Adams stated it would be booked to the "Engineering" line item.

Mr. Miller stated that the footnote for the 2003 bonds was being worked on, as part of the interpleader action, so it will be revised.

Mrs. Adams noted that the \$44,000 cost for pressure cleaning would be booked to the "Roadway maintenance" line item, which was already at 85%. Ms. Viegas asked if it was budgeted. Mrs. Adams confirmed that it was budgeted, but the line item was over budget due to other items that were not budgeted.

Mrs. Adams stated that a LandCare expense was booked to the "Irrigation supply" line item so it would be re-classed to the correct line item.

#### TENTH ORDER OF BUSINESS

#### Consideration of February 27, 2019 Regular Meeting Minutes

Mrs. Adams presented the February 27, 2019 Regular Meeting Minutes. The following changes were made:

Line 53: Change "ad" to "non-ad"

Line 93: Insert "." after "protected"

Line 243: Change "excused" to "accepted"

Line 289: Change "management" to "maintenance"

**On MOTION by Ms. DiNardo and seconded by Mr. Nuzzo, with all in favor, the February 27, 2019 Regular 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:

- Draft language was submitted to the County for all generator placement submittals to

➤ The County Planning Commission realized there are other placement issues, in addition to generators, specifically A/C and pool equipment, which can create access issues for emergency management because first responders or fire personnel might not be able to access the backs of homes. The County was becoming much more proactive on these issues.

Mr. Miller asked if the new regulations are going to be retroactive. Mr. Pires did not believe they would be retroactive.

➤ The Rock encroachment agreement for 3126 Aviamar Circle and the draft letter for the owners of 3130 Aviamar Circle would be sent.

Mr. Miller asked if the 3130 homeowners hired counsel. Mr. Pires did not know.

Mr. Pires stated that he and Ms. Lord were communicating with Mr. Woodward regarding Tract E and the turnover to the District.

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

- **NEXT MEETING DATE: April 24, 2019 at 10:00 A.M.**

The next meeting will be held on April 24, 2019 at 10:00 a.m.

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

Mrs. Adams presented the Operations Manager's Report, which was in the agenda, and highlighted the following:

➤ The park benches were on order. The shipping date is April 16.

Ms. DiNardo stated it appeared that the Veneta fountain timer was not adjusted for daylight savings time and she would like the shut off time to go back to the previous settings of 11:00 p.m., rather than midnight, to save money. The Board agreed.

Ms. Viegas asked if payment for the street light that was knocked down by TruScapes, at the corner of Serena Lane and Aviamar Circle, was received. Mrs. Adams replied affirmatively. Ms. Viegas asked for an update on the oil spill in Oyster Harbor that extends all the way down Sandpiper onto US 41, because the pressure cleaning had not done anything. Mr. Albeit stated that he would ask Mr. Willis to review the camera footage at the Sandpiper gate, if the time could be determined. Ms. Viegas believed it was Friday but did not know the time.

it was not worth treating; it would be more cost-effective to replace them. She just wanted homeowners to know about the issue. Mr. Albeit stated that Ms. Shannon Benedetti, a resident, would provide him with an announcement about it and he would e-blast it. Discussion ensued regarding better pricing if more people signed on for the treatment and villages having their own pest control providers. Mrs. Adams noted that this was already built into the District's budget. Ms. Viegas mentioned that Millbrook decided not to treat but individual homeowners could try the treatments.

**TWELFTH ORDER OF BUSINESS**

**Supervisors' Requests**

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

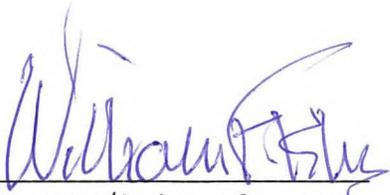
**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

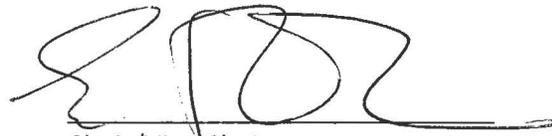
The meeting recessed at approximately 11:16 a.m.

**On MOTION by Ms. DiNardo and seconded by Ms. Viegas, with all in favor, the meeting adjourned at 11:16 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/ViceChair