

**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 November 13, 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
Linda Viegas	Assistant Secretary
Bill Klug	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
Barry Jones	District Engineer Representative
Ron Albeit	Foundation General Manager
Shane Willis	Fiddler's Creek Security
Andrea Douglas	Pulte Representative
Monique Irmen	Resident
Gerry Gorman	Resident
Michael Laurence	Resident
Margie Cardillo	Resident
William Parenteau	Resident

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.

SECOND ORDER OF BUSINESS

Public Comments: Non-Agenda Items

Ms. Monique Irmen, a resident, stated that Mussorie homeowners do not want the land bridge discussed at the last meeting. Their understanding was that the land bridge is part of the lake system and Taylor Morrison (TM) currently owns the land bridge; the Mussorie Board does not want TM to assign the land bridge to the Mussorie village. She stated that she told TM to

Disclaimer: These minutes are a summary of the meeting and are intended to provide highlights of the topics discussed, items considered and actions taken.

turn it over to CDD #2 and TM representatives stated they would handle it and turn it over to CDD #2. As of May 10th, Mussorie village was turned over to the homeowners and, at the time, the land bridge was on the list of outstanding items. Mr. Miller asked why Mussorie objected to the land bridge. Ms. Irmen stated residents do not want the liability or to be responsible for maintenance or erosion, the County's requirements, etc., and she felt there was no benefit to Mussorie taking ownership from TM. Mr. Miller inquired about the homeowners' expectations when they bought their homes. Ms. Irmen stated that she presented the information to the Mussorie homeowners and emailed them asking them to attend today's meeting. Many attended and those that could not attend did not want the village to take ownership.

Mr. Adams stated that the land bridge acts as a basin break that controls the two areas that the land bridge connects. Mr. Miller stated CDD #2 would address erosion issues.

Mr. Pires stated the District had not formally accepted the land bridge. In 2014, the plat had it dedicated to the CDD and he received an email but did not respond; however, the lack of response could be considered an acceptance. At this time, TM owns it and the CDD has not accepted title.

Ms. Irmen stated that, in her last discussion with TM, she was told that TM would turn it over to the District. Mr. Pires said TM emailed him asking for the CDD to accept the title. Mr. Miller stated that, if the CDD accepts ownership, it would include the liability and the CDD would continue mowing it. Discussion ensued and it was noted that the existing general liability coverage covers that land. Regarding potential detriments to accepting it, Mr. Adams stated there was no real detriment; removing Mussorie just removes one entity.

Ms. DiNardo asked if residents use the land bridge. Ms. Irmen did not know but noted that some people illegally fish from it.

Mr. Pires stated that, in August, he received an email and attachments from TM regarding the land bridge, which he would review.

On MOTION by Ms. DiNardo and seconded by Mr. Nuzzo, with all in favor, accepting the land bridge from Taylor Morrison, subject to District Counsel's review of the documents received, was approved.

Ms. Irmen asked about the Sandpiper security gate being moved, closing of the Sandpiper entrance, discussion of creating a residents' lane on Championship Drive, and how the increased traffic would be addressed. Mr. Miller directed her to ask CDD #1, as CDD #1 owns the Championship Drive entrance.

Ms. Irmen asked about the curb replacement and repair at one home in Mussorie, as she emailed Mrs. Adams to find out when it would be taken care of. Mrs. Adams stated she would have forwarded that email to Mr. Cole, who was not in attendance today.

THIRD ORDER OF BUSINESS

Consideration of Resolution Directing Use of Funds to Pay Off Matured 2003A and 2003B Bonds Pursuant to the Interleader Case Settlement Agreement

- **Resolution 2020-04, Authorizing and Directing the Trustee of the Fiddler's Creek Community Development District #2 Special Assessment Revenue Bonds to Transfer \$384,175.75 from the Fiddler's Creek Community Development District #2 Special Assessment Revenue Bonds Series 2004 Prepayment Account Into the Fiddler's Creek Community Development District #2 Special Assessment Revenue Bonds Series 2003B Prepayment Account; Authorizing and Directing the Trustee of the Fiddler's Creek Community Development District #2 Special Assessment Revenue Bonds, Series 2003B ("2003B Bonds") to Make Payments to the Holders of the 2003B Bonds ("2003B Bondholders") Pro Rata Among Said 2003B Bondholders; Identifying the Funds to be Used to Make Such Payments; Directing the Payment of the Amount of \$3,215,341.10 from the "Fiddler's Creek #2003B Disputed Fund" Account Held by the Trustee; the Payment of the Amount of \$905,277.35 from the "Fiddler's Creek #2003B Prepayment" Account Held by the Trustee (the \$905,277.35 Consisting of the Current Amount of \$522,457.27 Plus the \$384,175.75 to be Transferred From the Series 2004 Prepayment Account); With Payment Being Made to the 2003B Bondholders Pro Rata Among Said 2003B Bondholders; All Pursuant to the Terms of That Certain Settlement Agreement Dated as of October 16, 2019, for the Purpose of Settling All Claims as Outlined in Said Settlement Agreement; Delegating to the Chair or Vice Chair of the Board of Supervisors of the District, Subject to Compliance with the Applicable**

Provision Hereof; Making Certain Findings; Providing Certain Other Details; and Providing an Effective Date *(to be provided under separate cover)*

Mr. Miller stated that this Resolution was necessary to complete the refunding, which was successful, and to settle the interpleader action. He discussed the following:

- Settlement of the interpleader action included a requirement to pay the 2003B bondholders.
- A significant amount of money in the 2004 prepayment account that should be in the 2003B prepayment account to pay the bondholders.
- The high amount in legal fees that must be paid prior to the repayment to the bondholders is being paid by ITG and Fiddler's Creek Investor, LLC. CDD #2 would pay up to 20%, or approximately \$85,000 of the fees; however, the elimination of a \$100,000 accounts payable discussed at prior meetings would offset payment of the legal fees.

Mr. Pires distributed a redlined version of Resolution 2020-04, with the edits discussed with Ms. Viegas, along with the original Resolution with the backup agreements and emails. The blanks would be filled in, once the accrued interest amounts are known.

Mr. Miller discussed determining who the 2003B bondholders are, as, in addition to ITG and Fiddler's Creek Investor, LLC, some others are not known, but that is Wilmington Trust's (WT) issue.

Regarding how the accrued interest amount for the Resolution would be calculated, Mr. Adams stated Mr. Jay Smith, at WT, and Ms. Alice Carlson, of AJC Associates, Inc. (AJC), would determine the amount. Mr. Pires stated \$18.61 in a revenue account must also be added.

Mr. Klug stated that a section in the Resolution indicated that WT confirmed the \$384,175.75 amount but the backup emails showed Ms. Carlson confirmed the amount but not WT. The line stating that WT confirmed the amount would be stricken from the Resolution. Mr. Klug asked if the backup would be part of the meeting records. Mr. Adams replied affirmatively. Mr. Klug expressed concern about a 2011 letter from Ms. Carlson stating the money could not be transferred.

Ms. Viegas asked if confirmation that all the transfers in the Resolution were done correctly would be received. Mr. Adams replied affirmatively; confirmation would be received via a statement showing the accounts at \$0.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, Resolution 2020-04, Authorizing and Directing the Trustee of the Fiddler's Creek Community Development District #2 Special Assessment Revenue Bonds to Transfer \$384,175.75 from the Fiddler's Creek Community Development District #2 Special Assessment Revenue Bonds Series 2004 Prepayment Account Into the Fiddler's Creek Community Development District #2 Special Assessment Revenue Bonds Series 2003B Prepayment Account; Authorizing and Directing the Trustee of the Fiddler's Creek Community Development District #2 Special Assessment Revenue Bonds, Series 2003B ("2003B Bonds") to Make Payments to the Holders of the 2003B Bonds ("2003B Bondholders") Pro Rata Among Said 2003B Bondholders; Identifying the Funds to be Used to Make Such Payments; Directing the Payment of the Amount of \$3,215,341.10 from the "Fiddler's Creek #2003B Disputed Fund" Account Held by the Trustee; the Payment of the Amount of \$905,277.35 from the "Fiddler's Creek #2003B Prepayment" Account Held by the Trustee (the \$905,277.35 Consisting of the Current Amount of \$522,457.27 Plus the \$384,175.75 to be Transferred From the Series 2004 Prepayment Account); With Payment Being Made to the 2003B Bondholders Pro Rata Among Said 2003B Bondholders; All Pursuant to the Terms of That Certain Settlement Agreement Dated as of October 16, 2019, for the Purpose of Settling All Claims as Outlined in Said Settlement Agreement; Delegating to the Chair or Vice Chair of the Board of Supervisors of the District, Subject to Compliance with the Applicable Provision Hereof; Making Certain Findings; Providing Certain Other Details; and Providing an Effective Date, as amended, was adopted.

FOURTH ORDER OF BUSINESS

Special Counsel Update

This item was presented following the Ninth Order of Business.

FIFTH ORDER OF BUSINESS

Health, Safety and Environment Report

This item was presented following the Ninth Order of Business

SIXTH ORDER OF BUSINESS

Developer's Report/Update

This item was presented following the Ninth Order of Business

SEVENTH ORDER OF BUSINESS

Presentation: Collier County's Comprehensive Water Shed Improvement Plan (by Gary McAlpin, Manager – Coastal Zone Management)

This item was presented following the Ninth Order of Business.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2020-02, Accepting the Certification of the District Engineer Finding that the Phase 2 Project Funded by the 2004 Series Bond (the "2004 Series Project") is Complete; Determining a Date of Completion; Declaring the 2004 Series Project Complete; and, Providing for Severability, Conflicts and an Effective Date

Mr. Miller stated Resolution 2020-02 confirms that the 2004 Series project is complete.

The following change was made to Resolution 2020-02:

First Whereas, Line 2: Change "200-15" to "2003-15"

Mr. Miller asked what proved that the funds were used to redeem those bonds. Mr. Adams stated the financials and audits prove it and there was no money left in the construction funds to redeem bonds.

Ms. Viegas stated that the Engineer's Certificate, an Exhibit to Resolution 2020-02, indicated that money in the construction funds was transferred to the 2003B prepayment account. Discussion ensued regarding the Engineer's Certificate and language regarding the funds that were used. Mr. Cole must revise the Certificate.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, Resolution 2020-02, as amended, Accepting the Certification of the District Engineer Finding that the Phase 2 Project Funded by the 2004 Series Bond (the "2004 Series Project") is Complete; Determining a Date of Completion; Declaring the 2004 Series Project Complete; and, Providing for Severability, Conflicts and an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2020-03, Accepting the Updated Report of the District Engineer Dated November 2019 for the Phase 3 Project Funded by the 2005 Series Bond (the "2005 Series Project"); and, Providing for Severability, Conflicts and an Effective Date

Mr. Miller asked about the revised scope and why it was necessary. Mr. Pires read the sections of the Engineer's Report that referred to the scope. It was suggested that the reasons were the removal of 210 acres and the costs. Mr. Miller asked what the effect of the acceptance would be, if acceptance constituted approval of the contents, and if the revised scope was being accepted. Mr. Adams stated it was similar to accepting the annual audit each year. Mr. Miller stated he understood the audit, but not the details of the Engineer's Report.

Ms. Viegas discussed the following:

- She reviewed two prior versions of the Engineer's Report and had several email exchanges with Mr. Cole regarding errors in the cost tables, consistency in verbiage, issues with the PUD statistics, etc.
- The version in the agenda book had tense changes since her last review; it was now present or past tense but the previous versions were future tense.
- She previously raised an issue about bike paths and was told it would be left "as is" because it was an original document, but now the tense had changed and it stated there were bike paths but there are not any in Fiddler's Creek.
- Due to reformatting, the Table of Contents was inaccurate.

This item was deferred to the next meeting, when Mr. Cole would be in attendance.

- **Special Counsel Update**

This item, previously the Fourth Order of Business, was presented out of order.

There was no Special Counsel update.

- **Health, Safety and Environment Report**

This item, previously the Fifth Order of Business, was presented out of order.

Mr. Willis distributed an updated version of the Report and gave a PowerPoint presentation highlighting the following:

- A new phone number, 239-919-3705, was added that can be called to reach the community patrol. Calls would be answered; it is not an automated number.
- There were approximately 43,000 gatehouse entries, which was an increase of about 13,000 over September.
- Occupancy rate was about 259 homes higher per week than last year.
- Patrol Mileage: Approximately 200 miles per day, equating to about 59,000 miles, year-to-date.

➤ Patrol Mileage: Approximately 200 miles per day, equating to about 59,000 miles, year-to-date.

➤ Incidents: The number was up slightly, at about 100 for the month, likely due to integration of the Traffic Hawk and more speeding violations. Parking and speeding were the main issues.

Mr. Miller asked if any violations were referred to the Fining Committee. Mr. Willis stated he believed about 20 were referred; not all are fined, some receive warnings.

Mr. Miller asked about the Championship Drive gate. Mr. Willis recalled that the Championship gate bar code scanner was hit by a lightning strike. The decision was to install a radio-frequency identification (RFID) system, due to the lower cost. It would be installed next week. Fiddler's Creek and Rookery employees would be given color-coded tags to identify where they are employed and the gate would go back to clicker mode. Mr. Miller asked if The Foundation was insured for lightning strikes. Mr. Willis replied affirmatively but, with the deductibles, it made sense to go with RFID. Mrs. Adams stated the other damage to the gatehouse went through the CDD.

➤ Mr. Willis noted traffic flow changes.

➤ The warehouse on Sandpiper and Fiddler's Creek Parkway is gone and the packing plant on US41 was being demolished. The concrete from those areas would go into the construction road. Construction contractors would now go through the farther, eastern entrance.

Mr. Klug asked what medical incidents Security lists, since it is not a first responder. Mr. Willis stated Security staff are not first responders to homes, but they respond to The Club and Gator Grille incidents, which are mostly slips, trips or falls, and burns in the kitchen. Mr. Klug asked if Security is responding to security alarms that go off. Mr. Willis stated Staff usually blocks the road to allow the Sheriff to respond.

Ms. Viegas asked about the backup on US41 and what was being done to prevent it from happening again. Mr. Willis reported the following:

➤ The backup was approximately 1.5 miles.

➤ Multiple factors caused it, including all the contractors' passes expiring at the same time, requiring more detail from vendors and contractors that had to be collected before issuing new passes, and approximately 400 vehicles trying to enter in a short period of time, which is usually the amount in a full day.

This item, previously the Sixth Order of Business, was presented out of order.

There was no Developer's update. Ms. Viegas asked if there was an estimate of when the Dorado village model would be completed. Mr. Albeit replied no.

- **Presentation: Collier County's Comprehensive Water Shed Improvement Plan (by Gary McAlpin, Manager – Coastal Zone Management)**

This item, previously the Seventh Order of Business, was presented out of order.

Mr. Gary McAlpin, of Coastal Zone Management, who was supposed to give the presentation, was no longer in attendance. Per Mrs. Adams, Staff would make sure that Mr. McAlpin attends the next meeting.

Mr. Miller asked for a summary from the CDD #1 presentation. Mr. Albeit stated the Board should know what the CDD #1 Board requested.

Mr. Adams stated that the CDD #1 Board asked to be included on all notifications for the permitting process. Mrs. Adams stated that CDD #1 asked Mr. Pires to send a letter to the County. Mr. Pires stated, once the permit is issued, the Districts have time to file a petition and must be notified of the permit application. CDD #1 asked for monthly status updates from the District Engineer.

Mr. Jones stated the application is for the storm water pumping station out of Golden Gate to send water into the flow way that drains down to the District project. A percentage of that water would go through the area on US41, just south of the community. An Army Corps of Engineers certification is also required; there are review periods and permits required.

Mr. Albeit stated it was agreed to engage Mr. Cole's firm to review and be involved because there could be an adverse effect on the water levels in Fiddler's Creek. The boardwalk already floods during the heavy rainy season and other areas flood as well.

Mrs. Adams stated that the project is in its first year and is projected to last seven years and, at the CDD #1 meeting, Mr. Cole was directed to bring estimates of the cost for his firm to monitor this to the next meeting. Mr. Miller requested estimates for CDD #2 as well.

Mr. Pires stated it would take months to prepare the permit applications and there would be requests for additional information throughout the process. Mr. Miller asked when the Districts could state their concerns. Mr. Pires stated any time during the process.

Mr. Adams stated this was being done to rehydrate the western part of the Picayune Strand. Collier County is applying to the Southwest Florida Waterways and the Army Corps of Engineers to do this.

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

Mr. Jones stated many of his items were already discussed. He reported the following:

- The 811 number to call for no cuts and the GIS mapping was moving along.
- Lake erosion review would occur as the lakes recede.

Mr. Miller asked how the existing geotubes are reviewed. Mr. Jones stated there were few issues except a lawn mower hitting one and breaking it open. Mr. Miller asked who inspects them. Mr. Adams replied the lake maintenance contractor and the District Engineer.

Ms. Viegas asked if Lennar was contacted about taking responsibility for the depressions on Aviamar Circle, in Millbrook, that are holding water after heavy rains. Mr. Jones replied no. Ms. Viegas asked for Mr. Cole to follow up.

Ms. DiNardo stated the lake reviews did not reflect that the geotubes are in good condition or that there was an incident and if the lake contractor took the initiative to inspect the tubes, it should be reported. Mrs. Adams stated she reviews monthly reports that indicated what was observed. Mrs. Adams asked Mr. Jones to provide her with the information regarding the lawn mower hitting the geotube, as it was not on any of the reports.

ELEVENTH ORDER OF BUSINESS**Consideration of Oyster Harbor Village Plant Replacement Project**

Mr. Olson presented two proposals from GulfScapes Landscape Management Service (GulfScapes), totaling \$8,838, for plant replacements in Oyster Harbor. Mr. Klug pointed out that the Design Review Committee (DRC) approval letter was addressed to the Oyster Harbor Board of Directors and asked if requests were submitted for CDD #2. Mrs. Adams stated the letter was incorrectly addressed and that Mr. Olson would follow up with the DRC.

Ms. Viegas asked about the gold mound *duranta* around the Oyster Harbor fountain being added in the proposal and if there is an issue because of chlorine damage. Mrs. Adams said the area is across the street from the fountain.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, GulfScapes Proposals #1264 and #1269, in a combined not-to-exceed amount of \$8,838, were approved.

A representative from Pulte, Ms. Andrea Douglas, previously emailed Mrs. Adams and requested to be on the agenda. Mrs. Adams apologized; this item was inadvertently not included on the agenda. She stated that Pulte wants to install plantings and use the irrigation from an adjacent property owner. Mr. Klug questioned if this could be discussed, since it was not on the agenda. Mr. Adams stated, with Board consensus, it could be discussed.

Ms. Douglas stated that the area is undeveloped and does not have irrigation. Mr. Miller asked if the item has been presented to the DRC. Ms. Douglas replied no. Ms. Viegas asked for the location being discussed and if the proposed plantings would be the same as around the Amaranda homes being built by Pulte. Ms. Douglas replied affirmatively. Ms. Viegas questioned if DRC approval to use the same plantings on the CDD #2 property behind the undeveloped lots was necessary if Pulte already received DRC approval for the homes. Mr. Albeit replied affirmatively; Pulte must still submit to the DRC.

Mr. Pires stated a license agreement would be needed for Pulte to install plantings on CDD property. Ms. Douglas asked for approval of the request, subject to DRC approval and the license agreement. Ms. Viegas asked if Pulte would maintain the plantings and area as well. Ms. Douglas replied affirmatively. Mr. Pires stated that requirement would be included in the license agreement.

On MOTION by Ms. DiNardo and seconded by Mr. Nuzzo, with all in favor, allowing Pulte to install plantings on CDD #2 property, subject to DRC approval and a license agreement, was approved.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Woodward, Pires and Lombardo, P.A.*

Mr. Pires stated he had nothing additional to report.

Mr. Miller asked about the District Signal Agreement. Mr. Pires stated it was in draft form. He had copies; however, changes were made last night. Mr. Miller asked Mr. Albeit if this must be discussed today. Mr. Albeit replied no. This matter was deferred to the next meeting.

Ms. Viegas asked if the trucking company that had the oil spill in Oyster Harbor and on Sandpiper responded to Mr. Pires' letter. Mr. Pires replied no and asked if Mr. Willis spoke to them. Mr. Willis stated the company confirmed receipt of the letter; he would speak with them again, as they are still working in Fiddler's Creek.

Ms. Viegas asked if the Tract E Agreement was signed. Mr. Pires replied no. Ms. Viegas suggested that, at the next Foundation meeting, Mr. Miller could approach Mr. Mark Woodward about signing it.

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

- **NEXT MEETING DATE: December 11, 2019 at 10:00 A.M.**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the December 11, 2019 meeting.

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

Mr. Olson reported that the fountain expense detail requested did not need to be reclassified. There was \$13,000 in repairs and maintenance that included VFD upgrades, motors and repairs and also two months of electric bills from Collier County.

Mr. Miller asked if a separate utility bill is received for each fountain. Mrs. Adams replied affirmatively.

Ms. Viegas asked if the wind speeds were checked and if they were the same at all CDD #2 fountains. Mr. Olson replied affirmatively. Mrs. Adams stated she toured the area today and previously contacted the fountain contractor to review the wind speeds because of the chlorine damage. The fountains do not all come on at the same time. Ms. DiNardo stated that the Aviamar fountain always has the most issues and, despite the impact due to the age of the fountains, the issues should be addressed. Ms. Viegas agreed.

Mrs. Adams reported the following:

- The landscaping pre-bid meeting would be today at 12:30 p.m.; 10 potential bidders were expected to attend.
- A review of the lakes with Ms. DiNardo would be scheduled soon.
- Palm pruning that needs to be completed before the holidays was discussed with Mr. Willis.

Mr. Pires suggested Mr. Cole create a summary page, for the next meeting, regarding the Engineer's Report addressing the change in the scope and the issues raised today.

THIRTEENTH ORDER OF BUSINESS

Supervisors' Requests

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

FOURTEENTH ORDER OF BUSINESS

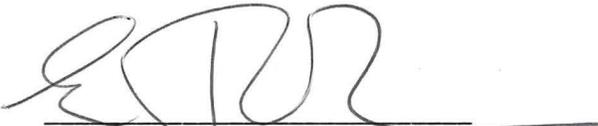
Adjournment

There being no further business to discuss, the meeting adjourned.

On MOTION by Ms. DiNardo and seconded by Ms. Viegas, with all in favor, the meeting adjourned at 11:46 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair