

**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 February 26, 2020 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
Tony Pires	District Counsel
Terry Cole	District Engineer
Tony DiNardo	Developer
Shane Willis	Fiddler's Creek Security
Shannon Benedetti	Resident
Michael Laurence	Resident
Pat Garvey	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. Shannon Benedetti, a resident, distributed a handout and photographs of the Aviamar Fountain landscaping, discussed the following and responded to questions, as follows:

➤ At the Board’s request and as the Fiddler’s Creek Landscape Committee Chair, she toured the Aviamar Fountain with Mr. Jake Long, of Juniper Landscaping, to review the plantings and determine what works and what does not.

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

- Per Mr. Long, the project would be turned over to Juniper's Landscape Architect, Mr. Scott Smith, who would prepare a schematic design with the modifications.
- The members of the Landscape Committee were identified; Ms. Benedetti and one other committee member participated in the walk-through with Mr. Long.
- The \$500 design cost would be needed from the CDD; the design would include three options or one design with two modifications.
- The Landscape Committee could not create a design because Ms. Benedetti is not a landscape architect.

Discussion ensued regarding wind direction, impact of chlorine on the plantings, stenner feeders and the landscaping. Mr. DiNardo stated that The Foundation would pay the \$500 architectural design cost. Mr. Willis would be asked to conduct chemical water checks at all fountains and include the data in his monthly reports. Mrs. Adams would also have the fountain contractor conduct water checks. Ms. Viegas noted there are two separate areas at the Aviamar entrance, one near the fountain, which was impacted by chlorine, and the one surrounding the monument, where Juniper improperly installed landscaping. She questioned why Juniper would be hired to produce an architectural design and install plantings again. It was noted that the first step was to monitor chlorine levels and then obtain a design.

Mr. Pat Garvey, a resident, reported that the curb around his home was among those damaged by Taylor Morrison (TM) when TM was completing construction in the District. He asked when his curb would be repaired. Mr. Cole reviewed photographs of Mr. Garvey's home and stated that the area was inspected but repairs were not made because those cracks are aesthetic, not structural, and the concrete was not unraveling. Mr. Cole would continue monitoring the curb. Mr. Miller urged Mr. Garvey to monitor the sidewalk as well and send periodic photos to Mr. Cole.

Mr. Michael Laurence, a resident, asked for increased presence by the Fiddler's Creek Safety Patrol and for the mobile Traffic Hawk to be placed at Aviamar Circle and Amaranda Court. It was noted that this is The Foundation's responsibility. Mr. DiNardo stated the mobile Traffic Hawk would be moved to the location but he was unsure of the time frame. CDD #1

approved the purchase of an additional mobile Traffic Hawk and he suggested that CDD #2 could do the same.

▪ **Developer's Report/Update**

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

Mr. DiNardo reported the following:

- The Publix deal with Halvorsen closed; the land was sold.
- Gulf Bay Development would have models up in Dorado and Oyster Harbor in one week.
- Permission to install a sign directly outside of the models, on CDD property, was requested.

Ms. Viegas suggested the motion must include the words, "after the fact," as the sign was already installed. Mr. Pires stated it was important to check for "line of sight" issues.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, permission to install signage, as detailed in Mr. DiNardo's letter, after the fact, and subject to confirmation that there are no line of sight issues, was approved.

Referencing a site plan from the Shoppes of Fiddler's Creek, Mr. Cole stated that CDD #2 is doing the construction within the lake, Sandpiper Lane and Sandpiper Drive, which includes Tracts A, A-1 and B. He would meet with Mr. Mark Minor, Halvorsen's Engineer. Mr. Pires stated that the revised plat must be presented for approval. Mr. Cole would review the latest plat against what was approved to make sure the dedications and maintenance responsibilities are correct. Mr. DiNardo stated that Mr. Cole would try to coordinate the District's paving project with Halvorsen to get a better unit price. Discussion ensued regarding obtaining bids and hauling the excavating material from the lake excavations to fill other areas in the CDD.

THIRD ORDER OF BUSINESS

Health, Safety and Environment Report

Mr. Willis distributed and presented the updated PowerPoint Report, highlighting the following and responded to questions, as follows:

- Community Patrol: Telephone number is 239-919-3705. Calls would be answered by a dispatcher but it could not be used for gate access.
- Gate Entries: 517,000 gate activations in 2019 for all three gates.
- Occupancy: Almost 2,300 for the week six of 2020.
- Patrol Mileage: 100 miles per day.
- Security Vehicle: A cab would be installed to the roller system on the back of the truck tomorrow, which would help with removal of nuisance animals.
- Incidents: The 221 incidents in January were primarily parking and fishing violations.
In response to Mr. Miller's question, Mr. Willis explained how parking citations are issued and the fining process.
- Irrigation Update: Most villages would be watered on Monday, Wednesday and Saturday and the CDDs, Club and Foundation areas on Tuesday, Thursday and Sunday. The County does not allow watering on Fridays. Irrigation is between 10:00 p.m. and 8:00 a.m.
- The District supplies the water and communications of the irrigation systems. An irrigation expert was hired to work with the landscape technicians on site. All irrigation adjustment requests should be emailed to irrigation@fiddlerscreek.com. Irrigation information was emailed to all Village Board Presidents and Property Management companies.
- Pressure Cleaning: Currently underway in Sauvignon. Runaway Bay would follow. All CDD areas would be pressure-cleaned next.
- Community Information: 16 Design Review Committee (DRC) requests were processed in January and 15 were granted.
- Short-term rental violations were now being tracked.
- Traffic Hawk: Six speeding violations were issued in January. Most of the speeding occurs in Cherry Oaks, where there is a permanent Traffic Hawk.
- Bilingual directions were added to paper passes.
- Mr. Willis attended a conference on cooperative invasive species management; an e-blast would be sent regarding launching an app that facilitates animal removal, once spotted.

➤ Regarding entry for 911 responders when the Sandpiper Drive entrance closes for six months, the Collier County Sheriff has access to all gates but the entry point had not been determined yet.

➤ Since all emergency services utilize the same system, once a decision is made, the information would be communicated to all other agencies; there is a universal 911 dispatch.

Discussion ensued regarding 911 access, road closure time frame, alternate routes and the new construction road.

➤ Regarding the oil spill by George’s Trucking, there were several other issues with George’s Trucking.

Mr. Willis stated that George’s Trucking was hired by TM. Mr. Miller suggested obtaining the refund from TM’s deposit with The Foundation. Mr. Pires would coordinate with Mr. Willis to draft and send a letter requesting that the deposit be held.

➤ Regarding street sweeping, the streets in Oyster Harbor were cleaner but residents might not agree with that.

FOURTH ORDER OF BUSINESS

Traffic Hawk Report

Mrs. Adams stated that CDD #1 previously approved the purchase of a mobile unit, for \$6,000, and asked if CDD #2 would like to contribute 50% of the final cost. Mr. Miller stated he did not feel CDD #2 wanted to contribute.

FIFTH ORDER OF BUSINESS

Developer’s Report/Update

This item was presented following the Second Order of Business.

SIXTH ORDER OF BUSINESS

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

Mr. Pires stated Mr. McAlpin was not present at today’s meeting and requested that this item be deferred to the next meeting.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2020-06, Classifying Surplus Tangible Personal Property; Authorizing Disposition of Surplus Tangible Personal Property; Providing a Severability Clause; and Providing an Effective Date

Mrs. Adams stated that Resolution 2020-06 was necessary for a second surplus vehicle that was not included on the previous resolution. Mr. Adams said he would ensure that the title would be added to the Exhibit.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, Resolution 2020-06, Classifying Surplus Tangible Personal Property; Authorizing Disposition of Surplus Tangible Personal Property; Providing a Severability Clause; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Discussion: Board Meeting Protocol

Ms. Viegas expressed concerns about instances when documents that must be voted on were not included in the agenda books that are to be received one week before the meetings. The documents were sometimes received just prior to or only a few days before the meetings. She asked that the Board enforce the directives stipulated in CDD policies, which require all items to be voted on to be included in the agenda books. She felt that this would ensure that Board Members have adequate time to review all documents, prior to voting on them. She felt that items raised after the agenda books are sent should be tabled to the next meeting and, if there was a time constraint, a continued meeting should be scheduled at least two or three days after distribution of the documents to be voted on to allow the Board time to review them.

Mr. Klug concurred with Ms. Viegas and voiced his opinion that, going forward, the Board should vote against any motion to approve items/documents that they were not afforded sufficient time to review prior to presentation.

NINTH ORDER OF BUSINESS

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

Mr. Cole reported the following:

- Repairs to the paver blocks adjacent to the Veneta fountain were completed; the sand was reset and pavers were replaced.
- Several lake areas would be identified for erosion control. Erosion was more visible since the completion of the Hurricane Irma cleanup.
- A list of outstanding items to be addressed with TM, including the swale in Amador South which must be retrofitted, would be emailed to Mr. Pires.
- Met with Mr. Keith Norton, of TM, in mid-January. The as-built drawings must be obtained from GradyMinor. Amador residents were informed of the issues.

Discussion ensued regarding the swale, permitting, certification, potential recourse, County inspectors and the release of the bonds.

- The District's concerns would be presented to Mr. Mark Minor, the Project Engineer.
- If the swale must be retrofitted, easements from the residents would be necessary.

As to what the District could do if a homeowner or mortgager does not grant an easement, Mr. Pires stated that most reasonable homeowners would want to grant the easement to improve their homes; an alternative would be to invoke eminent domain. Mr. Miller suggested that, to preclude litigation, Mr. Pires send a letter to TM's attorney requesting a response. Mr. Pires stated that a paralegal was copied on all communications. He would ask for the name of the legal counsel in charge.

- A list of the necessary Oyster Harbor (OH) valley gutter and curb repairs would be attached to Mr. Pires' email from Mr. Cole.
- The lake erosion issues in OH were likely due to home construction by TM.

Ms. Viegas asked if the TM \$10,000 construction bond that The Foundation is holding would be a sufficient amount for all of the repairs. Mr. Miller voiced his opinion that \$10,000 would not be adequate if the District invoked eminent domain. Mr. Pires asked Staff to prepare a detailed memo listing all the outstanding issues, along with a plan of action. Mr. Cole guessed that a survey would be helpful; there could be a simple fix to make the swale work and, perhaps, an agreement would be reached where the HOA assumes responsibility so it would not be necessary to request easements from individual homeowners. Ms. Viegas asked for an

update if Lennar would take responsibility for the Aviamar road depressions in Millbrook. Mr. Cole would follow up with Lennar.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2020

Mrs. Adams presented the Unaudited Financial Statements as of January 31, 2020 and distributed the Financial Highlights. Mr. Miller asked when the County takes its commission for including the CDD assessments on the annual property tax bills. Mr. Adams stated that the Property Appraiser had not billed the District in the past few years but he anticipated a bill would be forthcoming. Discussion ensued regarding the over budget insurance line item due to a rate increase, the legal litigation line item amount, Interpleader litigation, a settlement agreement, Wilmington Trust, the 2003 bonds, a medallion signature guarantee, having “clear” financial statements and possibly pursuing a line of credit in preparation for hurricane season.

ELEVENTH ORDER OF BUSINESS

Consideration of January 22, 2020 Regular Meeting Minutes

Mrs. Adams presented the January 22, 2020 Regular Meeting Minutes.

The following changes were made:

Line 73: Insert “(Association)” after “Plaza Association”

Line 78: Delete "some of"

Line 254: Change "voiced his opinion" to "concurred"

On MOTION by Ms. DiNardo and seconded by Mr. Klug, with all in favor, the January 22, 2020 Regular Meeting Minutes, as amended, were approved.

TWELFTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires reported the following:

- The Mussorie Land bridge documents requested from TM were still pending.

- The Tract E Agreement was still unexecuted.

Ms. Viegas shared that she inquired about the signatures at a recent meeting of The Foundation and Mr. Woodward assured her that the Tract E documents would be signed prior to The Foundation's subsequent meeting.

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

- **NEXT MEETING DATE: March 25, 2020 at 10:00 A.M.**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the March 25, 2020 meeting.

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

Mrs. Adams presented the Field Operations Report and highlighted the following:

- The lab results from the recent fish kill were inconclusive. The fish kill lab results would be emailed to residents who raised the concern, the Veneta Board Members and other neighborhood representatives.
- The landscaping tour would occur today.
- The condition of the Veneta Fountain urn plants would be inspected on the tour, along with other areas.
- Mr. Cole would follow up on an Assignment Agreement related to Pulte that was supposed to be presented.
- The park bench was ordered and would be installed once the paver project is complete. Mr. Cole would contact Naples Paving for a proposal.
- The turf quality at the Veneta entrance would be reviewed and addressed. May be necessary as well to require treatment of ants located on Museo Circle.

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 Mr. Klug, with all in favor, the meeting adjourned at approximately 11:42 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair