

**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 Virtual Public Meeting on May 27, 2020 at 10:00 a.m., at <https://us02web.zoom.us/j/88251567014> and 1-929-205-6099, meeting ID 882 5156 7014.

**Present at the meeting, via teleconference or telephone, were:**

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

**Also present, via teleconference or telephone, 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

**Residents present, via teleconference or telephone, were:**

Charlie Rosaschi	Bob Siler	Steve Schwartz	Rebecca Ericson
Sandi Stern	John Gray	Richard Hipp	Susie Glasgow
S. McLeod	Cheryl Abrams	Joan Smith	Stephen Quinlivan
Michael Ohara	Sandra D.	Judy Hutch	Other Residents

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mrs. Adams called the meeting to order at 10:02 a.m. All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Public Comments: Non-Agenda Items**

Resident and Varena HOA President, Charlie Rosaschi, along with several other residents, raised concerns about the intermittent operation of the Veneta fountain. Mr. Miller stated the fountains are costly and in constant need of repairs. Staff advised it was not possible to obtain insurance coverage for repairs and leaks. The pipe and motor were recently repaired and the wind sensor extended. The Aviamar fountain has the same issues. Mrs. Adams stated

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

**FIDDLER’S CREEK CDD #2**

**May 27, 2020**

that the fountains run year-round so maintenance is continuous. She explained how the wind sensor operates and the reason for the extension. Despite the explanation, Mr. Rosaschi stated he saw no visible explanation as to why it does not work when it should. Mrs. Adams explained the 10-minute delay before the system starts back up after shutting down and, if there is another wind gust, it shuts down again. It was noted that the chemical feeders help reduce chlorine damage to plants and sod around the fountain. She discussed the lake maintenance contractors and ancillary fountain costs.

Resident Bob Siler asked if the boom that broke free after Hurricane Irma could be removed from the waterway behind 9056 Cherry Oaks Trail. The boom will be removed.

Resident Steve Schwartz asked for New River Bougainvillea to be planted in the empty bed near the Veneta fountain, adjacent to 9634 Campanile Circle; bushes would be installed.

**THIRD ORDER OF BUSINESS**

**Consideration of Collier County  
Comprehensive Watershed Improvements  
Plan Update**

Mr. Pires and Mr. Cole responded to questions about the Collier County Watershed Improvement Plan (CWIP), as follows:

Question: What were the benefits of the CWIP to the CDD, as an institution; should they have concerns?

Responses: The CWIP was included in the agenda for informational purposes. Mr. McAlpin would present the CWIP at the next in-person meeting. The CWIP benefited the whole County, rather than just the District. The CDD’s concern was that they ensure there would be no adverse impact on the water quantity or quality of the Fiddler’s Creek Water Management Systems. Although the study clearly stated there was none, reports might be misrepresented. Since it was a multi-year project, before it would be approved by the County, Mr. Cole would continue monitoring the County’s permit application, calculations and reports, to ensure that, from an engineering perspective, there are no iterations that may impact both CDDs.

Question: Are the Applicant’s allegations accurate?

Response: Mr. Cole had no reason to believe they were not accurate. He would monitor the permits and verify the calculations and any updates to ensure there are no inaccuracies.

Questions: Will the Districts be adversely impacted during a catastrophe when water levels are high? Are they in a safe zone, if the control systems are no longer working during a

**FIDDLER’S CREEK CDD #2**

**May 27, 2020**

power outage? Do the pumps work automatically, manually or remotely when power shuts down?

Response: These questions were related to the sanitary pump stations. The project did not involve the pump stations, which are comprised of gravity, over land, flowing through canals, swales and piping.

Ms. Viegas stated the equipment she inquired about was referenced on Page 15 of the CWIP presentation.

Question: What was the next step, from a legal standpoint, to prevent the project from proceeding, if Mr. Cole’s findings reported a position opposite from the County?

Response: The project requires permits from the South Florida Water Management District (SFWMD) and possibly the U.S. Army Corps of Engineers (USACE). Once the permit is issued, if the District believes any aspects of the permit affect its rights, under administrative proceedings, the District can challenge the issuance of the permit or portions of the permit.

Question: When is the first hearing in which the District has the right to appear?

Response: Per Mr. Pires, there was none. The permit application process is lengthy but, if further clarification is required, SFWMD would submit a request for additional information (RAI) before presenting any recommendation to the SFWMD Governing Body.

Question: Would these changes affect insurance for the CDD and residents?

Response: Mrs. Adams would research and have Mr. McAlpin present the revised CWIP. Mr. Klug felt that CDD #1 should also present its point of view at that meeting. Mr. Miller felt that there were advantages to proceeding alone.

This item was deferred to the next in-person meeting.

▪ **Developer’s Report/Update**

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

Mr. DiNardo stated that the Sandpiper gatehouse project would go out to bid soon and, upon receipt, the bids would be presented to the Finance Committee for selection of a contractor. The project completion date may be delayed 30 days due to COVID-19 and may have further delays, as the project was also dependent on what the District is doing on Sandpiper. Completion was expected late October early November.

▪ **Discussion: Bid Results for the Fiddler’s Creek Plaza Infrastructure Construction Project to Reconstruct the Sandpiper Drive Entrance and Improvements to US 41**

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

**FIDDLER'S CREEK CDD #2****May 27, 2020**

Mr. Miller asked if GradyMinor and Associates (GradyMinor) participated in the bid process. He found it astonishing that the Engineer's Opinion of the probable cost was much lower than any of the bids. After reviewing the bids with Mr. Adams, Mr. DiNardo, and Mr. Minor, contractors were notified of the decision to reject all bids. The project would be rebid due to scope of work changes, as The Foundation and Fiddler's Creek Plaza would be funding some items benefitting them and the depth of the lake and materials needed decreased.

Mr. Cole reported the following:

- The Notice to Contractors was published yesterday, the pre-bid meeting was scheduled for June 1, 2020 and the bids are due June 17, 2020.
- Bid results would be included on the next agenda.
- An opinion of cost, based on the revised items, would be prepared and given to Mr. Adams to circulate to the Board next week.

**On MOTION by Ms. DiNardo and seconded by Mr. Klug, with all in favor, the actions taken by Mr. Adams and Mr. Cole, including rejecting all bids and rebidding the project, was approved.**

Ms. Viegas asked for the following items to be presented with the bid results:

- The number of bidders that participated.
- Mr. Cole's past experience with the bidders.
- What the project entails.
- Whether the project has a not-to-exceed amount.
- The amount allocated to contingency.
- **Engineer's Report: *Hole Montes, Inc.***

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

Mr. Cole reported the following and responded to questions as follows:

- Requisition #160, approximately \$19,000: Soft costs including GradyMinor engineering costs for Fiddler's Creek Plaza, renewal of the subdivision construction bonds for Aviamar Phase 5 - Unit 2 and Mr. Pires' costs to review bond requisitions, etc. The balance was for completion of various punch list items in the Lagomar area of Veneta.

**FIDDLER'S CREEK CDD #2****May 27, 2020**

➤ CDD #2 Roadway Restriping Project, including leased roadways: Going out to bid next week. Roadway inspections to identify restriping needs commenced. It was hoped that proposals could be obtained next month.

➤ Sidewalk and Valley Gutter Repairs along CDD Roadways: Going out to bid soon.

➤ Phase 4 – Irrigation Lake Erosion Repairs: Going out to bid within the next few weeks for repairs to portions of Lake 88, due to erosion caused by Hurricane Irma.

➤ Coordination underway with Collier County in creating a sketch and legal descriptions for conveying County Utility Easements in a portion of CDD #1 for the Mahogany Bend main relocation which impacts CDD #2. Within the next few years, the County, via a grant, plans to install generators at some sanitary pump stations in both CDDs, based on certain criteria.

Discussion ensued. Closer to the project date, Mr. Cole would determine how many stations will not have a generator. He would provide updates.

➤ Due to COVID-19, the Sandpiper Drive lane closures would begin in mid July and continue through early December.

Ms. Viegas expressed concerns about trucks accessing the community for debris removal when the road is closed. She noted that The Foundation's Hurricane Preparation announcement stated the entrance would be used by the trucks. Mr. DiNardo stated this would be discussed in their upcoming meeting. Project delays would impact the gate house project.

➤ The meeting with the Taylor Morrison (TM) consultant, Mr. Cook or Mr. Norton, did not occur. Mr. Cole and Mr. Pires spoke with Attorney Wayne Crosby, representing TM, to address various items and the District's request for a resolution; TM is working towards a resolution.

➤ Fanny Bay Lane Lake Bank Erosion: Mr. Cole would confirm whether Collier County Utilities repaired the malfunctioning automatic flushing device.

➤ Revised Plats for Fiddler's Creek Plaza: Revisions included the sidewalk easements to the County. This would be included for informational purposes at the next meeting. Going forward, plats would be presented for final Board approval before they are recorded with the County.

➤ Gulf Bay Model Sign in Oyster Harbor: Following up on possible line of sight issues.

➤ Sidewalk and Valley Gutter Project Timeline: Bid results would be presented at the next meeting. Areas would be re-marked before the project starts in July; work would take several weeks to complete.

➤ Mr. Cole and Mrs. Adams were working on addressing sidewalk trip hazards near Sandpiper bridge, which would be addressed separately.

**FIDDLER'S CREEK CDD #2**

**May 27, 2020**

➤ The raised pavement markers (RPMs) would be part of the restriping project. The RPMs were positioned correctly, generally in compliance, and no reflectors were positioned near the edge of the pavement.

▪ **Consideration of Hole Montes, Inc., Revised Professional Fee Schedule**

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

Mr. Cole presented the Holes Montes, Inc. (HMI) Revised Professional Fee Schedule. The rates were the same as the rates Collier County recently approved for its engineering services and that HMI charges when working with any governmental entity. HMI's rates had not increased in many years. These rates would be in effect for Fiscal Year 2021.

**On MOTION by Ms. DiNardo and seconded by Ms. Viegas, with all in favor, the Hole Montes, Inc., Revised Professional Fee Schedule, was approved.**

▪ **Consideration of Resolution 2020-10, Approving a Proposed Budget for Fiscal Year 2020/2021 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date**

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

Mr. Adams presented Resolution 2020-10. He reviewed the proposed Fiscal Year 2021 budget and explained line item increases and decreases compared to the Fiscal Year 2020 budget. Mr. Adams responded to questions about the proposed Fiscal Year budget. Further changes would be made to various line items and a subsequent version, which would include verbiage corrections, would be discussed in detail at the next meeting.

**On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, Resolution 2020-10, Approving a Proposed Budget for Fiscal Year 2020/2021 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 26, 2020 at 10:00 a.m., at 3470 Club Center Boulevard, Naples, Florida 34114, with the option to conduct the meeting remotely, via media technology, teleconference, and/or telephone, if the Governor's Executive Orders are extended; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.**

**FIDDLER'S CREEK CDD #2****May 27, 2020**

Mr. Willis presented the HS&E Report, which was not included in the agenda package, as follows:

- Due to COVID-19, weekly gatehouse entries were about 50% lower. April totaled about 38,730, which was less than half the normal amount.
- Occupancy was 1,781, for week 20, which was an increase from last year; and the weekly average increased by 76.
- Incidents: Incidents included 40 parking violations and 28 fishing complaints; Security continues to patrol certain areas. The Sherriff's Department issued verbal trespassing notices to some repeat offenders who removed the top part of the fence to gain access; future violations would be subject to apprehension by the Sherriff's Department.

Mrs. Adams stated the fence was repaired. Mr. Willis noted that nothing was sent to the Fining Committee; this would be addressed during his report.

- Irrigation Usage: CDD #2 used 1.5 million gallons, CDD #1 used 1.3 million gallons, and the combined CDD satellite areas used 1.4 million gallons.
- Irrigation Program: The Foundation installed five water gauges that will enable them to show the direct correlation between precipitation and water usage. Benefits to consolidation of the program would show less water and electricity usage.
- The Irrigation Manager was working with the HOAs, landscapers, and irrigation companies, in the "GROWIN" program, which allows programming water daily, for 30 days, to areas where new sod is installed and then reverts back to the normal cycle. This is compliant with the County Ordinance. Five areas were programmed in April and six in May.
- Satellites: TM accepted responsibility to contract out the rebuilds of two satellites in Oyster Harbor that were destroyed and to install a third one. The two in Marsh Cove were still being worked on. Once the installation and upgrades are completed, those satellites would be added to the central computer system.
- Power Washing: Underway at Sandpiper, in Marsh Cove; Aviamar would follow.
- 49 Design Review Committee (DRC) requests were processed in April and about 60 would be processed in May. Due to COVID-19, residents were staying longer and working on projects.
- Short-term Rental Violations: No violations were reported; however, some homeowners had to make minor changes in advertising their homes.
- Speeding: Three letters were sent in April.

**FIDDLER’S CREEK CDD #2**

**May 27, 2020**

- George’s Trucking: Several calls were made regarding the oil spill in Oyster Harbor but there was no response.
- 911 Response Times During US41/Sandpiper Entrance Closure: Met on site with Sergeant Jake Walker. The agencies would give a presentation closer to closure; however, Fire, Emergency Medical, and Police agencies toured the property and indicated their response times to residents would not be affected by the closure.

**FIFTH ORDER OF BUSINESS**

**Traffic Hawk Report**

This item was not discussed.

**SIXTH ORDER OF BUSINESS**

**Developer’s Report/Update**

This item was presented following the Third Order of Business.

**SEVENTH ORDER OF BUSINESS**

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

This item was presented following the Third Order of Business.

**EIGHTH ORDER OF BUSINESS**

**Discussion: Bid Results for the Fiddler’s Creek Plaza Infrastructure Construction Project to Reconstruct the Sandpiper Drive Entrance and Improvements to US 41**

This item was presented following the Third Order of Business.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2020-10, Approving a Proposed Budget for Fiscal Year 2020/2021 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date**

This item was presented following the Third Order of Business.

**TENTH ORDER OF BUSINESS**

**Consideration of Hole Montes, Inc., Revised Professional Fee Schedule**

**FIDDLER’S CREEK CDD #2**

**May 27, 2020**

This item was presented following the Third Order of Business.

**ELEVENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of April 30, 2020**

Mrs. Adams presented the Unaudited Financial Statements as of April 30, 2020 and noted a Financial Highlights Report was sent to the Board. She reported the following:

- The Foundation was notified it would be invoiced for one utility account inadvertently paid by the District. The account needed to be transferred into The Foundation’s name; no charges were expected in the May financials.
- A credit would be received from CDD #1 for the utilities that tie into CDD #1’s fountains.
- The Foundation would be invoiced to reimburse CDD #2 for charges made to their access control fuel credit card, which was cancelled. The new card would be locked up.
- Both Mr. Adams and Mrs. Adams received Ms. Viegas’ email questions about the Balance Sheet and General Fund line items and they would respond. Engineering, Americans with Disabilities Act (ADA) website, and irrigation manager line item questions were raised.

The financials were accepted.

**TWELFTH ORDER OF BUSINESS**

**Consideration of April 22, 2020 Virtual Public Meeting Minutes**

This item was presented following Item 13A.

**THIRTEENTH ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Pires reported the following:

- Since the Sandpiper Drive infrastructure project bids were rejected, the Statutes allow it to be exempt from public records and remain confidential until the bidding process closes.
- George’s Trucking had not responded. The District could file a claim, once the cost of the damages is known. Mrs. Adams would obtain proposals to replace the damaged pavers and forward them to Mr. Pires.
- Amador and TM backup materials were received. Mr. Cole would finalize the cost for repairs, originally estimated to be \$30,000 to \$60,000, for inclusion in the demand letter to Mr. Crosby. The letter would be sent within the next two weeks; Staff’s fees would be included.

**FIDDLER’S CREEK CDD #2**

**May 27, 2020**

- Aviamar Road Paving Depression Repairs in Millbrook: The letter to Lennar would be sent by the end of the week.
- Execution of Tract E Agreement: Still not executed.

Mr. Cole stated he received an email from GradyMinor, during the meeting, advising that the County requires the CDD to provide a \$25,000 Performance Guarantee Bond for the lake excavation project for Fiddler’s Creek Plaza. Funds from the Construction fund can be used and be returned upon successful completion of the project. Discussion ensued regarding the Standard County Agreement, whether the bond cost was negotiable, bond fees, etc.

**On MOTION by Ms. DiNardo and seconded by Mr. Nuzzo, with all in favor, authorizing District Staff, on behalf of the District, to enter into an Agreement with the County, and pay the \$25,000 Performance Guarantee Bond for the Lake Excavation Project, was approved.**

Ms. Viegas asked for the status of the Mussorie land bridge documents. Mr. Pires stated he decided to hold this until TM is cooperative on the other issues. Regarding the Riggs Road incinerator, Ms. Viegas asked if the CDDs needed to discuss or do anything, given the letter indicated that the project was delayed based on the rejections. Mr. Miller stated he expected the project to be delayed, as the project engineer received a lengthy request from the County for additional information before it would proceed with the project.

▪ **Consideration of April 22, 2020 Virtual Public Meeting Minutes**

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

Mrs. Adams presented the April 22, 2020 Virtual Public Meeting Minutes.

The following changes were made:

Line 246: Insert a quotation mark after “Maintenance”

Line 24: Change “Resident” to “Homeowner Representative on the Board of The Foundation”

**On MOTION by Ms. DiNardo and seconded by Mr. Miller, with all in favor, the April 22, 2020 Virtual Public Meeting Minutes, as amended, were approved.**

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

**I. 999 Registered Voters in District as of April 15, 2020**

**FIDDLER’S CREEK CDD #2**

**May 27, 2020**

**II. NEXT MEETING DATE: June 24, 2020 at 10:00 A.M.**

**• QUORUM CHECK**

These items were not addressed.

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

Mrs. Adams responded to questions about the Field Operations Report, as follows:

- Arbor maintenance costs were lower than expected; the costs were slightly under the \$100,000 budgeted.
- The park bench final cost increased due to installing a row of pavers and sod to avoid a trip hazard.

Resident Rebecca Ericson stated that the addition of the park bench was wonderful and asked for another to be installed near Chiasso Court and Carmini Court, on Campanile Circle.

Resident Sandi Stern stated she observed residents leaving trash behind but not as much lately, since there were fewer people in the area.

Discussion ensued regarding sending a notice regarding leaving trash behind at the benches and throughout Fiddler’s Creek, installing trash receptacles, establish a spacing standard for benches in CDD #2 based on how CDD #1’s benches are spaced, whether DRC input was necessary, etc. Mr. Klug and Ms. DiNardo were asked to work on suggestions for standards for benches. Residents could send suggestions to Mr. Klug or Ms. DiNardo for consideration before recommendations are presented at the next meeting.

- Aviamar Fountain: The contractor has not responded to the nozzles or impeller issue yet.

**FOURTEENTH ORDER OF BUSINESS**

**Supervisors’ Requests**

There were no Supervisors’ requests.

**FIFTEENTH 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 12:21 p.m.**

**FIDDLER'S CREEK CDD #2**

**May 27, 2020**

DocuSigned by:  
*Chuck Adams*  
1567A2305DF3492...  
Secretary/Assistant Secretary

DocuSigned by:  
*Elliot Miller*  
757ACBAF5AF7492...  
Chair/Vice Chair