

**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 June 24, 2020 at 10:00 a.m., at the offices of Woodward, Pires & Lombardo, 3200 Tamiami Trail North, Suite 200, Naples, Florida 34103 and virtually at <https://us02web.zoom.us/j/81474680853> and 1-929-205-6099, meeting ID **814 7468 0853**.

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
Bill Benson	Keefe McCullough
Tony DiNardo	Developer

Residents present were:

Andrew Rudin	Carol Clarke	Randy Williams	R. Thomas Gracey
Maureen Williams	Sharon _____	Dave _____	Karen Brannon
Sandi Stern	Laurie Mendieta	Rainie Mills	BC Cloutier
Becky Ericson	Mark Garrett		

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 10:01 a.m. All Supervisors were present.

▪ **Bench Presentation – Bill Klug and Victoria DiNardo**

This item was an addition to the Agenda

Referencing an area map, Mr. Klug reported the following:

- Within CDDs #1 and #2, there are a total of 19 benches, including four at the Veneta Fountain and four at the Aviamar Fountain.
- An additional 11 benches are installed in various locations in CDDs #1 and #2.
- A loose standard is in place, wherein benches were positioned to overlook the ponds, except on Campanile Circle, Fiddlers' Creek Parkway, Mulberry Lane, which faces the gate, and Championship Drive, which faces landscaping that now blocks the view of a pond.

Asked if he was able to ascertain the extent of usage of any of the benches mentioned, Mr. Klug replied that he was not asked to examine usage so he did not.

- There are no benches along Sandpiper Drive, between Fiddler's Creek Parkway and US 41. The Campanile Circle bench is about halfway around from the Veneta Fountain benches.
- Installation of one bench in the park area on Museo Circle and two benches on Sandpiper Drive, facing the pond on either side of the entrance of the Aviamar and Oyster Harbor (OH) fountains, was recommended.

Mr. Miller stated that the extent of use of the existing benches is relevant. Ms. DiNardo stated that, with the community being seasonal, the benches get the most use during winter, when more residents are present and, although the benches are used, there is not significant usage. CDD #1 provided ample spaces for its benches, but CDD#2 is still developing and cannot inundate the community with unnecessary benches. She recommended installing one or two benches at the Museo Circle park area and one bench in OH and one in Aviamar. Mr. Miller asked about resident use of the concrete benches near the Aviamar fountains. Ms. Viegas stated she observed use. Discussion ensued regarding the recommended bench locations, providing a standard to determine the need for benches, bench usage, etc. For the July meeting, Mr. Klug and Ms. DiNardo were asked to provide more specific recommendations as to the number of benches. To alleviate possible Sunshine law violations, Mr. Miller suggested that Ms. Viegas and Mr. Nuzzo designate one Aviamar and one OH resident to confer with Mr. Klug and Ms. DiNardo. Ms. Viegas and Mr. Nuzzo should provide the names to Mrs. Adams, who would relay that information to Ms. DiNardo and Mr. Klug.

Ms. Maureen Williams, a resident, stated that she walks the Aviamar, OH and Sandpiper areas daily and voiced her opinion that there is a need for benches. She stated that,

oftentimes, residents do not use the existing benches around Aviamar Circle because they are soiled with bird droppings.

Ms. Becky Erickson, a resident, stated, even if two or three benches are added in CDD #2, CDD #1 would still have nine benches, aside from the fountain, and CDD #2 would only have four or five.

SECOND ORDER OF BUSINESS

Public Comments: Non-Agenda Items

Mr. Mark Garrett, a resident, felt that the grass in the lakes was tall in Marsh Cove and asked about trimming. Mr. Miller stated Marsh Cove is in CDD #1; therefore, questions about it should be addressed to CDD #1. Mrs. Adams stated that the spikerush in the lake cannot be trimmed, but it is chemically treated from the other side of the littorals within the lake.

Mr. Andrew Rudin, a resident, reported that a streetlight had been down at the corner of Miyagi Lane for over a year. Mrs. Adams stated the builder is responsible and was subsequently contacted about the streetlight. Discussion ensued regarding Taylor Morrison (TM) and outstanding claims.

THIRD ORDER OF BUSINESS

Presentation of Audited Basic Financial Statements for the Fiscal Year Ended September 30, 2019, Prepared by Keefe McCullough

Mr. Bill Benson, of Keefe McCullough, presented the Audited Basic Financial Statements for the Fiscal Year Ended September 30, 2019 and highlighted pertinent information on each page. He explained the Government Accounting Principles (GAP) and reviewed the total fund balances of the governmental funds, on Pages 10 and 11, and stated the District was relatively successful in most past legal endeavors and is in a good position going forward. Mr. Miller stated that the governmental accounting rules are vastly different from other forms of accounting and make things seem worse than they really are. Regarding the new tax rules related to bonus depreciation, Mr. Benson stated Keefe McCullough had not reflected any bonus accelerated depreciation methods for the District, as there would not be a tremendous financial gain in doing so. Regarding separate useful life analyses for depreciation by

governmental agencies, Mr. Benson stated that the lives are similar and organizations tend to use their tax depreciation lives, which can be misleading. Keefe McCullough has lives with the District's fixed assets that are more in line with the estimated useful life of the asset.

Mr. Benson noted the following necessary change:

Page 28, "Note 12- Subsequent Events": Change "22019" to "2019"

Mr. Benson stated that there were no material weaknesses, findings or uncertainty in the financials; it was a clean opinion.

Mr. Benson responded to questions regarding financial reporting, internal controls, Dodd-Frank, risk management, and inconsistencies. Ms. Viegas identified several items to be corrected. Mr. Benson would review each item and make any necessary changes.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2020-11
Accepting the Audited Basic Financial
Statements for the Fiscal Year Ended
September 30, 2019**

Mrs. Adams presented Resolution 2020-11.

On MOTION by Ms. Viegas and seconded by Mr. Nuzzo, with all in favor, Resolution 2020-11 Accepting the Audited Basic Financial Statements for the Fiscal Year Ended September 30, 2019, subject to the modifications provided and noted during discussion, was adopted.

FIFTH ORDER OF BUSINESS

Health, Safety and Environment Report

This item was deferred.

SIXTH ORDER OF BUSINESS

Traffic Hawk Report

This item was deferred.

SEVENTH ORDER OF BUSINESS

Developer's Report/Update

Mr. DiNardo stated that construction on the Sandpiper gatehouse was expected to commence in mid to late August, with completion in mid to late November. In response to Mr.

Nuzzo's question, Mr. DiNardo stated that construction of the Publix is scheduled for April or May 2021, but it is contingent on the ongoing work on Sandpiper Drive.

▪ **Continued Discussion: Proposed Budget for Fiscal Year 2020/2021**

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

Ms. Viegas asked why the draft budget was not updated since the previous meeting and whether the changes she submitted at the last meeting were incorporated. Mr. Adams stated the changes would be incorporated by the July meeting.

Mr. Adams stated that, due to anticipated reductions in expenditures, the Fiscal Year 2021 total appropriations would be about \$180,000 lower, mostly due to the removal of legal litigation, for \$60,000, and reducing the contingency from \$46,000 to \$10,000. In response to Mr. Miller's question, Mr. Adams stated that the \$60,000 litigation funds could be moved into contingencies if the Board requested. Mrs. Adams stated that the LED street lighting project was recently completed, at a cost of approximately \$57,000, and would be paid with the \$60,000 under "Capital outlay" in the Fiscal Year 2020 budget; therefore, "Capital outlay" for the Fiscal Year 2021 budget could be reduced to \$10,000.

Mr. Adams stated that no funds were budgeted for "Access control" because it transitioned to The Foundation. The remainder of the proposed Fiscal Year 2021 budget was flat, as operations had stabilized and are the same, year-over-year. Discussion ensued regarding lowering assessments and carrying costs for the line of credit. Mr. Adams would make the necessary adjustments, including the items that Ms. Viegas previously identified. A revised version of the proposed Fiscal Year 2021 budget would be presented at the next meeting.

EIGHTH ORDER OF BUSINESS

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

Mr. Cole reported the following:

- Proposals were being sought for erosion repairs, sidewalk and valley gutter repairs, and re-striping.
- An email regarding items that need to be corrected in OH and Amador was forwarded to Mr. Crosby, TM's attorney, and District Counsel was copied. The email included the faulty streetlight, drainage easements, and pipes that need to be redone and reconfigured. Mr. Pires would draft a demand letter, including claims for engineering and legal fees.

➤ A project application was filed for the Collier County Watershed Improvement Plan. Mr. Cole and Mr. Pires would request information showing that the District would not be impacted by poor water quality or flood levels. A County representative would issue a report at the next in-person meeting.

Mr. Miller asked for confirmation that the water quality in Fiddler's Creek would not be impacted by the Watershed plan. Mr. Cole stated that he could not confirm that and Staff would request more detailed documentation and assurance from the County that there would be no impact.

On MOTION by Mr. Miller and seconded by Ms. Viegas, with all in favor, authorizing Mr. Cole and Mr. Pires to draft a letter requesting documentation from Collier County that the Watershed Improvement Plan would not adversely impact the water quality or flood levels in CDD #2, was approved.

➤ Mr. Cole presented Requisition #161, for the Series 2005 Bond, for soft costs of approximately \$30,000, of which \$25,000 was for construction bond security for Fiddler's Creek Plaza lake excavation, which was discussed at the last meeting.

Mr. Pires stated that assurance is needed from the County that the codes are in line with the policy before payment can be made. He emailed the County asking that an official contact him.

➤ The Fanny Bay Lane automatic flushing device was recently repaired by the County and there was a washout by an irrigation control box in OH; GulfScapes would inspect and make repairs, if necessary.

➤ Mr. Pires would email Mr. DiNardo regarding moving the new models sign in OH because there are line of sight issues.

Ms. Viegas asked if the sidewalk repair proposals could be expedited, as the trip hazards were concerning. Mr. Cole stated that he would obtain proposals for lake erosion, re-striping and sidewalk repairs for the next meeting and expedite repair of sidewalks with safety hazards. Mr. Cole responded to questions regarding stress cracks in the valley gutters, blue raised pavement markers, and bid results.

Mr. Adams stated that, with the adjustment to the capital outlay, the Fiscal Year 2021 assessments would be \$1,407 per home, which would be a reduction over Fiscal Year 2020.

NINTH ORDER OF BUSINESS

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

Mr. Cole stated that the project was rebid to consider value engineering and changed items. He reformatted the bid schedule and removed the gatehouse, which would be paid for by The Foundation. Southwest Florida Excavation (SFE) submitted the lowest bid, at \$928,775.87. The Engineer's Opinion of Probable Cost was revised at \$930,000, of which \$90,000 would be allotted for the gatehouse. The remaining \$840,000 would be for the Series 2005 Bond. The plat bond is \$12,000 and the excavation bond is \$25,000 and both would be refunded at the conclusion of the project. Landscaping, engineering, permitting and inspection services are approximately \$160,000 and the traffic signal is \$600,000. The total cost would be \$1.63 million, of which \$300,000 would be deducted from CDD #1 for the traffic signal and \$200,000 from Publix, resulting in \$1.13 million. The Bond balance is \$1.3 million.

Mr. Cole would distribute the Bond Summary to the Board.

TENTH ORDER OF BUSINESS

Continued Discussion: Proposed Budget for Fiscal Year 2020/2021

This item was presented following the Seventh Order of Business.

ELEVENTH ORDER OF BUSINESS

Update: Qualified Elector Candidates for General Election

- **Seat 1: Victoria DiNardo**
- **Seat 3: Linda L Viegas**
- **Seat 4: John P Nuzzo**

Ms. DiNardo, Mr. Nuzzo, and Ms. Viegas were unopposed and would retain their Board seats for the next four years.

Mr. Cole requested approval to award the project to Southwest Florida Excavation, as they were the most responsive bidder.

On MOTION by Ms. Viegas and seconded by Mr. Nuzzo, with all in favor, acceptance of the bid results and recommendation, and authorizing Staff to award the Fiddler's Creek Plaza Infrastructure Construction Project to Reconstruct the Sandpiper Drive Entrance and Improvements to US 41 to Southwest Florida Excavation, in the amount of \$928,775.87, was approved.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of May 31, 2020

Mrs. Adams presented the Unaudited Financial Statements as of May 31, 2020. Discussion ensued regarding Engineering fees, copying and binding charges, and the Governor's Executive Orders. The financials were accepted.

THIRTEENTH ORDER OF BUSINESS

Consideration of May 27, 2020 Virtual Public Meeting Minutes

Mrs. Adams presented the May 27, 2020 Virtual Public Meeting Minutes. The following changes were made:

- Line 74: Change "Question:" to "Ms. DiNardo asked"
- Lines 215 and 217: Change "Sherriff" to "Sheriff"
- Line 233: Changed "in Marsh Cove;" to "and Marsh Cove"

On MOTION by Mr. Miller and seconded by Ms. Viegas, with all in favor, the May 27, 2020 Virtual Public Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires reported the following:

- Staff forwarded information regarding a new 7-Eleven being constructed on US 41 across from the Sandpiper entrance.

Mr. Klug asked if the 7-Eleven Developer would be asked to help pay for the traffic signal. Mr. Miller stated that should be a request from both CDDs. Mr. Pires stated this could be a discussion item on the next agenda. Regarding whether the traffic signal was approved, Mr. Pires stated it had not. Ms. Viegas asked about the letter to Lennar regarding the street depressions in Aviamar and the Tract E Agreement. Mr. Pires stated he would forward the letter the following week and he forwarded Ms. Viegas' email to Mr. Woodward, who would have the Tract E deed draft reviewed today. Ms. Viegas noted that both of these items had been discussed for over a year and she felt that there would be issues if the area is accessed without the deed in place.

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

- **NEXT MEETING DATE: July 22, 2020 at 10:00 A.M.**
 - **QUORUM CHECK**

All supervisors confirmed their attendance at the July 22, 2020 meeting.

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

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

- The oil stains left in OH by George's Trucking were no longer visible; therefore, the issue was resolved.

Mrs. Adams responded to questions regarding the Ficus Reduction Program and the Pulte Amaranda Landscape Assignment project request. Mr. Pires would draft the assignment agreement and forward it to Pulte. Mrs. Adams would follow up to find out if Pulte received Design Review Committee (DRC) approval for the landscaping that was completed.

FIFTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

SIXTEENTH ORDER OF BUSINESS

Adjournment

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

On MOTION by Mr. Nuzzo and seconded by Ms. Viegas, with all in favor, the meeting adjourned at 12:30 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair