

**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 and Virtual Public Meeting on July 22, 2020 at 10:00 a.m., in-person at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114, and remotely, via Zoom, at <https://us02web.zoom.us/j/81795812746>, Meeting ID 817 9581 2746 and via conference call at 1-929-205-6099, meeting ID 817 9581 2746.

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 District Manager
Tammie Smith	Operations Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Joe Parisi	Developer
Ron Albeit	The Foundation General Manager
Shane Willis	Fiddler’s Creek Security
Michael Laurence	Resident

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, in person.

SECOND ORDER OF BUSINESS

Public Comments: Non-Agenda Items

Resident Michael Laurence thanked Mrs. Adams for facilitating the cleanout of a clogged drain on Dorado Lane. He reported that the dumpster in the area required attention.

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

Regarding the drain, Mr. Willis stated that it was not clogged and had a protective cover for construction debris. Mr. Albeit stated construction was ongoing in the Dorado area and the dumpster must remain.

THIRD ORDER OF BUSINESS

Continued Discussion: Park Bench Recommendations (Bill Klug and Victoria DiNardo)

Mr. Klug stated that every other bench in Fiddler's Creek has paver access except the recently installed bench on Campanile Circle and asked if pavers from the sidewalk to the bench could be added. Discussion ensued regarding bench standards, paver costs, crosswalk, and sidewalk proximity to benches. Mrs. Adams would obtain an estimate and present it at the next meeting.

Referencing exhibits, Ms. DiNardo reported that she recently met with two residents in Oyster Harbor (OH) and two in Aviamar who submitted recommendations for four common areas. Ms. Viegas asked if the Aviamar locations were on CDD-owned property and stated that the first Aviamar location was used by Lennar for parking and was later covered with sod after their sales center closed. The second Aviamar location is currently owned by Pulte and it abuts their parking lot and sales center. Mr. Albeit stated that construction would be ongoing at the second Aviamar location for quite some time.

Mrs. Adams would find out if the Aviamar locations are CDD-owned. Ms. DiNardo motioned to install benches in the two OH locations described. Mr. Klug stated that neither of the proposed locations address the pedestrian issue of bikers and walkers and asked to table the vote until better exhibits can be presented. Ms. DiNardo stated that benches were needed in the two Aviamar locations.

Discussion ensued regarding CDD ownership of the proposed OH and Aviamar areas, installing a bench near the pump station in Aviamar and the construction on Sandpiper. Mr. Miller stated that this item would be deferred to the next meeting to allow for presentation of better exhibits and a determination of CDD ownership of the recommended areas.

FOURTH ORDER OF BUSINESS

Discussion: Request for County Assistance for 7-Eleven Contribution for the Traffic Signal

Mr. Miller recalled discussion at the last meeting wherein it was suggested that both CDDs should request a contribution from the Developer of the 7-Eleven for the traffic signal and Management was to include the item on the agendas of both CDDs for the July meetings. Mr. Pires stated that the item was not on the CDD #1 agenda. Mr. Miller asked that the item be included on each CDD's next agenda, as the traffic signal must be funded by both entities.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, including this item on the next CDD #1 and CDD #2 agendas and notifying CDD #1 that CDD #2 is in agreement with requesting a contribution from 7-Eleven, was approved.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2020-12, Accepting the Conveyance by Special Warranty Deed of Tract E, Fiddler's Creek Phase 5, Aviamar Unit One

Mr. Pires presented Resolution 2020-12 and recommended approval. Mr. Miller noted District Counsel's July 14, 2020 memorandum, which stated that the Collier County utility easement for Tract E is important, in case CDD #2 ever needs to relocate drainage facilities. Mr. Pires responded to questions regarding the lake maintenance easement encumbrance, amount of taxes on the Warranty Deed and the reasons the District would not receive oil, gas and mineral interests.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, Resolution 2020-12, Accepting the Conveyance by Special Warranty Deed of Tract E, Fiddler's Creek Phase 5, Aviamar Unit One, was adopted.

SIXTH ORDER OF BUSINESS

Health, Safety and Environment Report

Ms. Viegas suggested discontinuing the Health, Safety and Environment reports since Mr. Willis' Department was no longer under the CDDs' budgetary responsibilities. Mr. Miller

expressed his opinion of the importance of continuing the reports, as the Districts are the stewards of the physical assets of the community and it helps to know what is happening with those assets. Mr. Albeit stated that the reports are utilized during The Foundation’s safety meetings.

Referencing PowerPoint slides, Mr. Willis reported the following:

- There were 32,500 gatehouse entries in June, which reflected an 11,000 decrease since May. This was attributable to “snowbird” residents.
- Average occupancy in 2019 was 1,750 and 1,930 in 2020. The figures were still positive but were higher in past years.
- The two major incident categories were parking and civil complaints. Parking issues were mostly due to visitors; education is needed.
- Irrigation: Five communities in Veneta, Aviamar and Marsh Cove requested additional irrigation time due to installation of new vegetation.
- Five rain gauges were installed across the property to compare to water usage. The results of the comparison show the investment to protect District resources is working.
- Power-washing: All of Aviamar and a portion of OH were completed in June.
- Design Review Committee (DRC) Requests: There were 53 requests in June. The DRC issued two violation letters for political signs and two for speeding.

Asked who is on the DRC, Mr. Willis stated himself, Mr. Parisi and Ms. Marissa Ferrao. Discussion ensued regarding political signs, traffic violations, resumption of fining, other committee meetings and the Traffic Hawk Report.

SEVENTH ORDER OF BUSINESS

Traffic Hawk Report

This item would be removed from future agendas due to lack of activity.

EIGHTH ORDER OF BUSINESS

Developer’s Report/Update

Mr. Parisi reported the following:

- The Foundation was renovating the main gatehouse adjacent to 951 and constructing a new gatehouse on Sandpiper Drive.

- Two documents are required, which are the obligation of the Landowner: a Notice of Commencement and a Notice of Lien Prohibition.
- Due to the land lease, no liens can be recorded against the property by sub-contractors, which is stated in the document.
- Mr. Parisi is working with Counsel to update the language of the documents, in accordance with the Statutes.

Mr. Miller asked if the contracts with the sub-contractors contain waivers and liens. Mr. Parisi stated the contractors and sub-contractors are notified of the recorded documents but the standard contract does not prohibit the things permitted by Statute, other than the documents that are recorded, which must be recorded prior to the recording of the Notice of Commencement, for example. Discussion ensued regarding lien prohibition.

On MOTION by Ms. DiNardo and seconded by Mr. Klug, with all in favor, authorizing Staff to review the documents and for the Chair to review and execute the gatehouse construction documents, including the Notice of Commencement, the Notice of Lien Prohibition, and any other documents needed for the gatehouse construction project, was approved.

- Construction of the gatehouse would commence in mid-August, with completion anticipated by the end of November.
- Entrance and exit options, including lane closures, would be presented to the CDD Boards.

Ms. Viegas noted that the next CDD meeting would be August 26th and asked about resident notification and when options would be presented to the CDD #2 Board. Mr. Parisi stated during August.

Discussion ensued regarding the impending Sandpiper Drive closure, the line of sight issues with an OH sign for the new Gulf Bay homes and other issues with signage on 951. Mr. Cole would coordinate with Mr. Parisi regarding the Sandpiper Drive closure.

NINTH ORDER OF BUSINESS

Engineer's Report: Hole Montes, Inc.

Mr. Cole presented Draw #162 and stated the fees are part of the budget that was previously presented as soft costs to be paid for by the District bond. The total fees were \$29,423.91 for renewal of the construction bond, which was comprised of \$5,519.50 for GradyMinor's work on Fiddler's Creek Plaza, \$8,479.55 for the construction bond renewal for Phase 5, Unit 3 in Veneta and \$15,424.86 for the Collier County inspection fee for the Fiddler's Creek Plaza permit. Mr. Pires stated that he forwarded the \$25,000 Bond request letter to the Board, which was received from the County confirming the approval needed. Mr. Pires would review the draw, submit formal approval, and send the documents back to Mr. Cole for implementation.

A. Consideration of Proposals for Lake Erosion

Mr. Cole presented a \$50,155 bid submittal from Landshore Enterprises LLC, for lake erosion tubing. Only one bid was received. He recommended approval of \$55,000 for any additional items that may arise during the repairs.

On MOTION by Mr. Klug and seconded by Ms. Viegas, with all in favor, awarding the lake erosion contract to Landshore Enterprises LLC, in a not-to-exceed amount of \$55,000, subject to submittal of the required insurance and contract documents, was approved.

Mr. Cole responded to questions regarding the number of bids received, the causes of lake bank erosion, installation of geotubes and if preventative measures can be taken to prevent erosion.

B. Consideration of Proposals for Re-Striping

Mr. Cole stated that discolored pavement along Fiddler’s Creek Parkway, from previous work, must be repaved. The re-striping project was previously deferred to determine the cause of the pavement issue but was now going out to bid.

C. Consideration of Proposals for Sidewalk Repairs

Mr. Cole presented a \$7,488 proposal from ET Concrete LLC for sidewalk/trip hazard repairs. He recommended approval of \$10,000 to facilitate other sidewalk repairs. Mrs. Adams recently reported that someone tripped on the pavers near the Veneta fountain.

On MOTION by Ms. DiNardo and seconded by Mr. Nuzzo, with all in favor, awarding the sidewalk repair contract to ET Concrete LLC, in a not-to-exceed amount of \$10,000, was approved.

Mr. Cole stated Staff obtained an online application for the Collier Watershed Improvement Project (CWIP). Mr. Pires forwarded a letter to the U.S. Army Corp of Engineers (USACE) requesting a hearing on the following items:

1. Water levels: Staff would continue to review.
2. Water quality monitoring stations.
3. Review of the current permits issued to Fiddler's Creek so there is no conflict in permits.

Mr. Cole responded to questions regarding the water quality monitoring stations, testing the water for algae blooms, etc., impact responsibility and the South Florida Water Management District (SFWMD). Mr. Cole and Mr. Pires would follow-up with Taylor Morrison regarding issues in OH and Amador. Mr. Pires would draft the letter and forward it to Mr. Cole, by Friday, for dissemination.

TENTH ORDER OF BUSINESS

Continued Discussion: Proposed Budget for Fiscal Year 2020/2021

Mr. Miller stated that, yesterday at 5:02 p.m., the Board received the updated draft budget online for review. Ms. Viegas stated she gave two pages with errors to Mr. Adams before the meeting. She questioned the current year's legal fees at 197% and inquired about legal fees for Fiscal Year 2021. Mr. Pires explained the reasons for the charges; he felt that the legal fees would not be as high in Fiscal Year 2021. Mr. and Mrs. Adams responded to questions regarding "Water management - Other contractual," "Roadway services - Contractual services (street sweeping)", "Roadway maintenance", and "Irrigation supply services" line items and funding for the benches. In response to Mr. Miller's question regarding the contingency, Mr. Adams stated the contingency was used to keep the Fiscal Year assessment levels flat. Ms. Viegas asked if the decrease in the "Electricity" line item was due to the completion of the LED light installation. Mr. Adams replied affirmatively. He stated the Budget Public Hearing would be at the August meeting; the O&M assessment would decrease.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2020

Mrs. Adams presented the Unaudited Financial Statements as of June 30, 2020. Ms. Viegas asked when the bonds, which were paid off, would stop appearing on the statements. Mr. Adams stated when the off-roll assessments are fully paid in November.

Ms Viegas asked if the errors she highlighted on the Fiscal Year 2019 audited financial statements, at the previous meeting, were corrected. Mr. Adams replied affirmatively.

The financials were accepted.

TWELFTH ORDER OF BUSINESS

Consideration of June 24, 2020 Regular and Virtual Meeting Minutes

Mrs. Adams presented the June 24, 2020 Regular and Virtual Meeting Minutes.

On MOTION by Ms. DiNardo and seconded by Ms. Viegas, with all in favor, the June 24, 2020 Regular and Virtual Meeting Minutes, as presented, were approved.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires reported the following:

- The Taylor Morrison demand letter would be mailed this week.
- The Lennar demand letter was in progress.
- The Pulte License Agreement was drafted and would be presented for review at the next meeting.
- An encroachment agreement was being drafted for a homeowner in OH. The agreement would be drafted to allow for the generator to encroach onto the easement.

Mr. Albeit stated The Foundation must approve a DRC for the generator. Mr. Pires would notify the homeowner that the Board approved the agreement, but DRC approval is needed.

On MOTION by Ms. DiNardo and seconded by Mr. Nuzzo, with all in favor, the encroachment agreement for a homeowner in OH, was approved.

Discussion ensued regarding the Pulte License Agreement, under-maintained landscaping, the DRC, The Foundation, cash deposits in escrow and Developers. Mr. Pires stated that the Governor's Executive Orders, allowing for virtual governmental meetings, expires on August 1st and, unless extended, virtual quorums would no longer meet the quorum requirements. He would keep the Board updated about this.

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

- **NEXT MEETING DATE: August 26, 2020 at 10:00 A.M.**
 - **QUORUM CHECK**

All Supervisors, except Mr. Klug, confirmed their attendance at the August 26, 2020 meeting.

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

Mrs. Adams presented the July Field Operations Report.

Ms. Viegas asked about the Aviamar fountain nozzles. Mrs. Adams would contact the Contractor and obtain the nozzle size and provide an update at the next meeting.

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 Mr. Nuzzo and seconded by Ms. Viegas, with all in favor, the meeting adjourned at 11:45 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair