

**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 October 28, 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/83570938418>, Meeting ID 835 7093 8418, and via conference call, at 1-929-205-6099, Meeting ID 835 7093 8418.

Present 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 (via Zoom)	Operations Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Kevin Dowdy	Hole Montes, Inc.
Ron Albeit	The Foundation General Manager
Joe Parisi	Developer’s Counsel
Michael O’Neil	Counsel for The Foundation
Joan Smith	Resident
Michael Laurence	Resident
Jeff Barteld (via Zoom)	Resident
Barbara Ganim	Resident
Shannon Benedetti	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.

SECOND ORDER OF BUSINESS

Public Comments: Non-Agenda Items

Resident Michael Laurence voiced a safety concern about the potential for accidents due to construction vehicles and motorists going the wrong way around the island at Amaranda

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

and Aviamar. Mr. Miller stated that was a matter for The Foundation and suggested that Mr. Laurence report the matter to Mr. Willis, via email, and copy the Board Chair. Mr. O'Neil stated that The Foundation would investigate the complaint further.

- **Discussion: Bench in Oyster Harbor**

- This item was an addition to the agenda.**

Mr. Nuzzo recalled several previous Board discussions regarding installing benches in various locations throughout the community, including his Oyster Harbor (OH) neighborhood, and that he offered to donate and fund the purchase of one bench, which has previously been approved. For personal reasons, he chose to dedicate a bench to individuals who live with diabetes with a plaque on the bench and forwarded the verbiage to the Design Review Committee (DRC) for approval prior to paying the \$700 cost of the plaque. Upon learning that the bench would cost \$8,000, instead of less than \$4,000 because of the paver pad, he noted that he is willing to fund the bench and plaque but not the pad and path. Mr. Nuzzo stated that he has yet to receive a response from the DRC regarding the plaque but he heard from Mr. Pires regarding a Sunshine Law issue. Mr. Parisi voiced his support of Mr. Nuzzo's cause and explained that it would be unfair for the DRC to approve a plaque request for one cause and not for several others; therefore, they do not approve plaques on benches. Asked if the DRC would reconsider, if the verbiage were changed, Mr. Parisi stated that he would check and report at the next meeting. Regarding whether he would still fund the bench if the DRC disallows the plaque, Mr. Nuzzo replied affirmatively.

THIRD ORDER OF BUSINESS**Update: Request for County Assistance for 7-Eleven Contribution for Traffic Signal**

Mr. Pires stated he recently attended the Planning Commission meeting and the County approved the project, with conditions. All items were found to be acceptable, and 7-Eleven would be responsible for a proportionate share of the cost of the traffic signal at US 41 and Greenway Road, which has yet to be approved by the Florida Department of Transportation (FDOT). Regarding the timeframe of a traffic study, Mr. Cole stated current traffic counts would be taken and future traffic would be estimated as part of the warrant study. Discussion ensued regarding the traffic study analysis and criteria, transportation consultants, traffic generators such as convenience stores and shopping centers and traffic counts.

Mr. Miller stated that Mr. Willis was not present for today's meeting but he previously forwarded two questions to him regarding the occupancy rate for September and a civil action.

Ms. Viegas stated that she emailed Mr. Willis follow-up questions from the previous meeting but had not received a response. She could not locate the list of road closures that was supposed to have been uploaded on the Fiddler's Creek website. Additionally, Mr. Willis has yet to send an e-blast regarding being vigilant after vehicles in Aviamar were recently vandalized. Upon receipt of Mr. Willis' response, Ms. Viegas would forward it to Management for distribution to the other Board Members.

FIFTH ORDER OF BUSINESS

Developer's Report/Update

Mr. Parisi gave the following update:

- Gatehouse construction was in progress. There was a lag at the Sandpiper gatehouse.
- Creative Lane was in progress. Hardening the area between Creative Lane and Fiddler's Creek Parkway was taking longer than expected but it should be completed within a few days.

Mr. Parisi responded to questions regarding incoming traffic volume, guard hours and the pressure washing contract between The Foundation and the CDDs.

Mr. Miller questioned the 5% increase in the agreement, while inflation is currently under 2% and is estimated to remain very low over the next few years. Mr. Albeit pointed out that there was no increase the past three years of the previous agreement. Discussion ensued regarding the contract, CPI increases and the Finance Committee. It was agreed that the new contract would remain at the current rate, with an annual CPI increase. Mr. Parisi would propose the CPI language and forward the revision to Mr. Pires.

Ms. Viegas stated that she photographed several oil spills on District roadways, due to increased construction traffic on Championship Drive, and forwarded them to Mr. Willis and Mrs. Adams. Asked if there was a roofing issue at the Dorado models, Mr. Parisi stated that he was unaware of any but he would contact the general contractor. Regarding whether Mr. Parisi received correspondence from Mr. Pires and Mr. Cole about the issues with Taylor Morrison, at OH, and with Lennar, in Aviamar, Mr. Pires stated he would transmit the letter to Lennar today and copy Mr. Parisi. Mr. Parisi would contact Lennar's President upon receipt of Mr. Pires' letter.

Mr. Cole presented the following:

➤ Requisition #165, 2014 Series Bond, \$180,000: For work on Sandpiper Drive related to the plaza construction, specifically, land clearing, earth moving, drainage, sewer system, Grady Minor Engineering soft costs, and closing out subdivision bonds and minor punchlist items.

Mr. Cole responded to questions regarding the Schedule of Values, a 10% retainage for construction-related expenditures, a South Florida Water Management District (SFWMD) permit modification request for several lots in Amaranda, and a Letter of Map Revision from the Federal Emergency Management Agency (FEMA). Discussion ensued regarding the Amaranda Project, construction of the stormwater management system, Pulte, undeveloped lots, elevation and flood zones, FEMA elevation requirements, flood insurance, SFWMD inspections and Engineer certifications.

- Repairs to Lake #88 were nearing completion.
- Valley gutter repairs and re-striping work were ongoing.
- The Sandpiper gatehouse construction should be completed in January.
- Some punch list items in Lagomar are being funded by the CDD.

Referencing an aerial map of Aviamar, Mr. Cole discussed a recent resident request to install a sidewalk between Aviamar Circle and Sandpiper Drive to provide a closer connection between the streets, rather than having to walk all the way to the fountain entrance. Discussion ensued regarding current foot traffic, estimated project costs and permitting requirements. For the next meeting, Mr. Cole would research the costs and check with GulfScapes regarding the irrigation and landscaping to determine the impact.

Resident Jeff Barteld thanked the Board for considering his request and asked about the length of the connectivity path. Mr. Cole stated that he would check the length and the impact of fill and landscaping.

In response to Ms. Viegas' question regarding sidewalk repairs, Mr. Cole stated the repairs were completed. As to the sunken pavers in one of the sidewalks in Aviamar, Mrs. Adams stated any sidewalk paver issues would be addressed at the same time as the construction of the pads and paths for the approved benches.

**Consideration of Professional Services
Agreements for Signal and Turn Lane
Design and Permitting for Signal at US 41
and Sandpiper Drive**

A. Hole Montes, Inc. Site Plan Design, Permitting and Construction Services and Overall Project Management

Total costs: \$71,000

B. JMB Transportation Engineering, Inc. Traffic and Signal Warrant Study

Lump sum costs: \$15,850

C. Trebilcock Consulting Solutions, PA Traffic Signal Design Consulting Professional Services

Total costs: \$78,200

Mr. Cole presented the Professional Services Agreements/Proposals to facilitate construction of the future traffic signal, with funding from the 2014 Series bonds, if approved. He stated that Mr. Pires reviewed the agreements and suggested that Hole Montes (HM) modify its proposal to list all elements of the project as tasks under the current agreement between HM and CDD #2. Under such an agreement, JMB Transportation Engineering, Inc. (JMB) and Trebilcock Consulting Solutions (TCS) would be subcontractors of HM, with no markup. Mr. Cole noted an error in the fee structure under “#5 - Construction Services” that Ms. Viegas had raised. The amount would be changed from \$5,000 to \$15,000 but the change would not affect the sum total of \$71,000.

Mr. Cole responded to questions about construction services, whether Halverson/Publix would still contribute to the traffic signal, the FDOT drainage permit, bidding, and whether billing and other issues with the JMB and TCS proposals would be corrected. Mr. Cole requested approval of the professional agreements, subject to the issues discussed and deletions noted.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, the Professional Services Agreements for Signal and Turn Lane Design and Permitting for Signal at US 41 and Sandpiper Drive and authorizing District Staff to coordinate and prepare an amended contract listing JMB and TCS as subcontractors, under the current contract between the District and HM, subject to resolving the issues discussed and the deletions noted, was approved.

Mrs. Adams presented the Unaudited Financial Statements as of September 30, 2020. She stated that the \$57,340 LED conversion expense was re-classed to “Street lighting – Capital Improvement” and all traffic signal expenses would be booked to the Series 2014 bond. Mr. Adams asked the Board to direct Management to transfer \$45,434 from the General Fund into the 2019 Bond Prepayment Fund, which would reduce the principal in the next scheduled bond payment.

On MOTION by Ms. Viegas and seconded by Mr. Klug, with all in favor, authorizing Staff to transfer funds totaling \$45,434 from the General Fund and into the 2019 Bond Prepayment Fund, was approved.

NINTH ORDER OF BUSINESS

**Consideration of September 23, 2020
Regular Meeting Minutes**

Mrs. Adams presented the September 23, 2020 Regular Meeting Minutes. The following change was made:

Line 66: Change “is” to “are”

On MOTION by Ms. DiNardo and seconded by Mr. Klug, with all in favor, the September 23, 2020 Regular Meeting Minutes, as amended, were approved.

TENTH ORDER OF BUSINESS

Staff Reports

- **District Manager: *Wrathell, Hunt and Associates, LLC***
 - **NEXT MEETING DATE: November 11, 2020 at 10:00 A.M.**
 - **QUORUM CHECK**

This item, previously Item 10B, was presented out of order.

Supervisors DiNardo, Miller, Viegas and Nuzzo confirmed their attendance at the November 11, 2020 meeting. Supervisor Klug would not attend.

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

- I. **Update: Amaranda Village Association, Inc., (Formerly Pulte), License Agreement**

Mr. Pires stated the license agreement was not yet finalized. He contacted Taylor Morrison’s attorney and was awaiting a return call regarding the status; he would follow up. The Lennar letter related to the depressions that need to be repaired in Aviamar would be transmitted after the meeting.

II. PowerPoint Presentation: Sunshine Laws

Mr. Pires gave a PowerPoint presentation and reported the following:

- The Sunshine Laws apply to Special Districts, such as CDDs, and Board Members should contact District Counsel with any questions regarding the Sunshine Laws.
- All meetings must be open to the public, with the exception of Executive Sessions, and all meeting minutes must be made available to the public.
- Two or more members cannot discuss District business outside of Board meetings.
- Emails, texts and other written communication between Board Members are prohibited.
- Private, inaudible discussions during meetings are not allowed.

Mr. Pires discussed Sunshine Law violations, the Florida Legislature, Florida Statutes, meeting locations and agendas, staff meetings, General Election rules, fact-finding committees, etc. He provided Board Members with a copy of the presentation.

Mr. Cole introduced Mr. Kevin Dowdy, a new Engineer with Hole Montes.

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

- **NEXT MEETING DATE: November 11, 2020 at 10:00 A.M.**
 - **QUORUM CHECK**

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

The Operations Report was included in the agenda packet for informational purposes.

Mrs. Adams asked to skip the Operations Report because Ms. Smith’s audio was not working, due to a technical error, and she and Mr. Adams had to leave for their next meeting.

ELEVENTH ORDER OF BUSINESS

Supervisors’ Requests

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

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 11:50 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair