

**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 March 24, 2021 at 10:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present were:

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

Also present were:

Chuck Adams (via telephone)	District Manager
Cleo Adams	Assistant District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Joe Parisi	Developer’s Counsel
Ron Albeit	The Foundation General Manager
Shane Willis	Fiddler’s Creek Security
Michael O’Neil	Counsel for The Foundation
Dr. Dean Weber	Resident
Steve Ebert	Resident
Shannon Benedetti	Resident/Landscape Committee Member
Karen Brannon	Resident
Mark Kimmel	Resident
Bill Parenteau	Resident

**DUE TO TECHNICAL DIFFICULTIES, AUDIO WAS NOT
AVAILABLE FOR A PORTION OF THE MEETING
THE FOLLOWING WAS TRANSCRIBED FROM MEETING NOTES**

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 and Landscape Committee Member Shannon Benedetti referred to the Aviamar entrance and a handout of an email from Mr. Scott Smith, which she distributed to the Board. She had asked for modifications to the entrance for some time, as she believed there were too many plants in that area. Mr. Jacob Long, of Juniper Landscaping (Juniper) walked the area with her. She distributed hand drawings she had done that were given to the Board months ago, along with her suggestions. She reminded the Board that Mr. Smith gave Mr. Albeit a proposal to present to the Board. Mr. Smith is now offering to create a landscape plan for the Aviamar entrance at no cost, since he missed the last meeting.

The companies that were asked to provide proposals, the flourishing plants at the Aviamar entrance, and residents who liked and did not like the entrance, were discussed.

Ms. Viegas stated that many CDD #2 residents contact her, and no one submitted complaints to her about the Aviamar entrance. She stated that Juniper installed the plants and Mr. Smith, while working for Waldrop prior to working for Juniper, proposed the current design for the entrance. The plants at the Veneta fountain entrance are the same as the ones at the Aviamar entrance and there were no complaints about the Veneta entrance needing modifications.

Ms. Benedetti asked the Board for approval for Mr. Smith to proceed with creating a landscape design and to assign a liaison. Ms. Viegas would be the CDD liaison, if available; otherwise, Mr. Nuzzo would fill in. A meeting at the fountain, with Mr. Smith, Ms. Benedetti, and Ms. Viegas, would be scheduled. Mr. Klug wanted Mr. Smith to be advised that, if the District proceeds with redesigning the area, it would be with the understanding that Juniper would not automatically be awarded the contract.

Resident Karen Brannon stated she did not think the area looked good.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, authorizing Mr. Smith, of Juniper Landscaping, to provide landscape renderings for the Aviamar entrance, at no cost to the District, was approved.

Residents Dean Weber and Steve Ebert discussed concerns about the retaining wall being constructed behind Mr. Weber's home in Oyster Harbor (OH). Mr. Weber asked for the CDD's help, as he was told Gulf Bay was building the wall and that it was a seawall. He was unable to get a response to discuss the issue of the wall and of workers hitting the sprinkler line. The County shut down the work because they did not have a permit.

Mr. Miller explained that this matter does not fall under the CDD's jurisdiction; however, he could direct this to Mr. Parisi, of Gulf Bay, who was in attendance.

Mr. Ebert asked what entity is responsible for the waterways. Mr. Miller stated that the CDD is responsible. Mr. Ebert asked if the Board consulted with Mr. Cole. Mr. Cole stated that the CDD reviewed the issue months ago. It was confirmed that it is a retaining wall not a seawall and Gulf Bay requested the approval to install a retaining wall. Mr. Pires stated that, since District Staff was just notified of the issue yesterday, time would be needed to review the plats to determine if there is an encroachment on CDD property. The County halted the work for now. Regarding the request for help from the District, Mr. Miller stated that Mr. Weber needs the Developer's help and urged him to speak with Mr. Parisi.

Mr. Parisi stated the issue was presented to the CDD Board and the work was being done to preserve the slope. A bulkhead, aquatics, grasses, and other landscaping would be installed in the area. The subcontractor commenced work before one permit was received but the previous permits were approved and presented. He provided the OH Board with information for the homeowners and a meeting with the OH homeowners was scheduled for next Tuesday to discuss the wall and show the landscape designs.

Mr. Weber expressed concern about impacted homeowners not being notified before the work started and stated his opinion that the betrayal of trust needed to be addressed and that there should be more communication. Mr. Pires noted that the bulkhead setback easement was discussed at a previous meeting, but it would need to be looked at again.

It was noted for the record that Mr. Parisi stated that he had a discussion with the two residents, outside the meeting, and addressed their concerns by showing them the designs for the wall, the littorals that will cover it, and the true height, after it goes below ground. Mr. Parisi returned and said both residents seemed happy with the information he provided.

TRANSCRIPTION FROM AUDIO COMMENCED

Resident Mark Kimmel asked for an update on the Veneta fountain landscaping and lighting issues. Ms. Benedetti stated she sent the most recent report to Mrs. Adams and Ms. Smith. The landscape wires were repaired. Mrs. Adams stated that she inspected the area this morning and this was a work in progress. She confirmed that all but one of the lights were working; she would have Bentley Electric repair it. As indicated in Ms. Smith's report, all landscaping concerns at that entry were resolved. Mr. Kimmel voiced his opinion that the backside of the fountain area looked terrible. Ms. Benedetti explained that, when the bougainvilleas are not in bloom, they can look like twigs. Mrs. Adams stated she would inspect the bougainvilleas again.

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

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

Mr. Cole reported the following:

- There were no requisitions for the Board's approval.
- The Lake #88 lake bank erosion repairs were substantially completed, and the contractor was expected to install sod within the next couple of weeks.

Mr. Cole stated he was advised of Waste Management (WM) damaging the curb and valley gutters at Corfu Court. He obtained a proposal to remove and reinforce the valley gutters, as this was the third incident. He was asked to inspect the drainage and stress cracks around the cul-de-sac circle, in the same area, so it can be addressed at the same time. The proposal would be forwarded to Mr. Pires who would contact Mr. Rodriguez, a County staff member, to determine who oversees the contract with WM and to discuss the Franchise Agreement before sending a letter to the County and copying WM on a request for reimbursement.

THIRD ORDER OF BUSINESS

Health, Safety and Environment Report

Mr. Willis reported the following:

- The County projects at Hawk's Nest and Championship Drive were completed.

➤ A company identifying itself as a “water management district” and implying that it is working with the County has been emailing and sending letters to residents offering to test their water. As the company is not affiliated with the County and residents who had their water tested were charged for the services, this was thought to be a scam.

Referencing a PowerPoint presentation, Mr. Willis reported the following:

➤ Gate Access Control: The weekly average was up a little since January. Activity at the main gate will increase tremendously as it opens fully due to the Radio Frequency Identification (RFID) sticker system.

➤ RFID System: Daily audits continue and over 3,000 stickers have been registered, which was believed to reflect completion of 60% to 70% of the program. Issues were down to about 20 per day. The issues were mostly sticker related, which just required replacing the sticker. A vendor program for purchasing the stickers that would be valid during working hours would be presented, once approval from The Foundation is received.

➤ Incident Report: Parking was the main issue in February, specifically, trucks and visitors illegally parking on the streets, grasses, and driveways.

In response to the question of whether the Fining Committee is involved, Mr. Willis replied affirmatively and gave an overview of three different cases that were all resolved differently. He noted two of the villages implemented a “park and tow” program.

➤ Irrigation: Due to rainfall, 2.3 million fewer gallons of water were used in February, over January. The Irrigation Manager was actively working with the HOAs.

➤ Power Washing: The team was working in Veneta. As the machine was down and needs repairs, he expected to purchase a new one in August or September.

➤ Occupancy Report: Estimated occupancy was 75%.

Resident Bill Parenteau asked if blocking the sidewalk was considered a violation. Mr. Willis replied affirmatively and instructed him to email the Safety Department so patrol can issue a violation.

FOURTH ORDER OF BUSINESS

Developer’s Report/Update

Mr. Parisi gave the following update:

- Sandpiper Gatehouse: Florida Power & Light (FPL) was scheduled to tie in the electrical lines Monday and the gate project should be completed ten days from then. The RFID scanner will be functional. A campaign to notify residents of the gate opening will happen and, once opened, construction traffic would be redirected, and Creative Lane would be closed but could be available as a construction staging area.
- Referencing the bulkhead easement diagram, he discussed the littoral planting plans for the retaining wall; the permit to construct the bulkhead was expected next week.

Ms. Viegas asked when the two new construction road entrance projects on Sandpiper would commence. Mr. Parisi stated he would check, as he thought work already started. He explained that the roads will allow construction traffic access to and from Aviamar and OH. He noted upcoming directional changes within the next six to eight months on Duda Road, which is the entrance road into Publix from US 41. Drawings would be provided, once available.

Mr. Miller asked for the status of the traffic light. Mr. Cole stated that, once Sandpiper opens, they would be a couple of months away from getting counts and months away from obtaining a permit. Mr. Albeit stated he hoped the construction traffic would help in getting the counts and warrants needed.

FIFTH ORDER OF BUSINESS

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

This item commenced following the Second Order of Business.

Mr. Cole resumed his report as follows:

- Potential Turnover of Callista Court and Callista Mar Way Roads to the CDD: The Callista HOA wants to turn the roads over to the CDD. He inspected the roads and, in addition to having to replace the missing street light he identified several items that the HOA would need to repair before he would present it to the Board for consideration.

The Board approved Mr. Cole's recommendation to meet with an HOA Representative to review the punch list items. Mrs. Adams confirmed that two roads in Callista and one in Marengo are privately owned roads.

- Aqua-Matic Irrigation Systems, Inc.: A proposal to install irrigation blow off valves was received, and investigative work was being done to determine what is necessary to replace the

other valves the Board approved last month. More information was expected within the next couple of weeks.

SIXTH ORDER OF BUSINESS

**Update: Discussions with Collier County
Regarding Taylor Morrison Issues**

Mr. Cole, Mr. Pires and Mr. McKenna, the County Engineer, would meet later today, via Skype, to discuss Taylor Morrison (TM), the various issues at Amador and OH related to lake erosion repairs, and to ensure that the CDD is included in all projects and inspections being submitted for final acceptance. It was hoped that this would prompt the County to put pressure on TM to perform the repairs.

A. Results of Topographic Survey

B. Modification Options

Regarding Amador, Mr. Cole stated that he would meet with the survey crew later today to see what is needed to get the topographic survey so he can review and determine how to resolve the drainage issues and whether it requires removing and replanting the ficus hedge. Although the residents were split on removing the hedge, he could not make a recommendation until LandCare inspects the area and he can review the topographic data. He was asked to update Ms. McQuaker on the CDD's activities to resolve this matter. The Board agreed with Mr. Cole's suggestion to review the information with Mr. Pires, Mr. Adams, Mrs. Adams, Ms. Smith, and possibly LandCare, before presenting it elsewhere.

Mr. Kimmel asked why the CDD was involving the HOA in this matter, as his email from the Amador Village HOA President indicated that this was a private matter between the affected homeowners, the Builder, and the CDD, and the HOA had no interest in this matter. Mr. Miller expressed his surprise, as the HOA's emails to the CDD indicated that the HOA's position was to remove the ficus hedge. Mr. Kimmel stated that he would forward the email that he received to Mrs. Adams and he stressed that he wanted the encroachment on his property resolved, as this has been going on for over two years.

Ms. Viegas asked about the undeveloped land in Amaranda. The first issue was related to whether Gulf Bay would develop the undeveloped land in Amaranda. The other issue was about Pulte being responsible for maintaining the landscape beds behind the homes.

Mr. Parisi identified the location of the undeveloped land on a map and stated he would have to research this before reporting on what was planned for that area. Mr. Pires recalled that a letter and backup materials were sent to Pulte regarding their responsibility for maintaining the landscape beds. There was confusion in their response about which entity is responsible and referring to them as landscape islands. Mrs. Adams recalled that Pulte asked to install the landscape beds and agreed to maintain them. This matter warrants further discussions between Mr. Pires and Mrs. Adams before a follow-up letter would be sent to Pulte.

SEVENTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of February 28, 2021**

Mrs. Adams presented the Unaudited Financial Statements as of February 28, 2021. The following were responses to questions posed:

- Regarding safely investing the District's cash assets to achieve the maximum amount of return, Mr. Adams stated he was coordinating with Mr. Pinder regarding opening a cash sweep account, which would improve the yield slightly but keep the funds more readily liquid than a CD. Mr. Miller asked Mr. Adams to look into short-term bank CDs and, although Mr. Adams explained that the District needs to keep its funds liquid and the cash sweep account provided a better yield than a CD, Mr. Adams would research CDs with FineMark Bank.
 - Regarding the variance between the 96% On-roll Revenue Assessment Collections and the 79% Tax Collector entries, Mr. Pires stated that some Districts were receiving a credit at the end of the fiscal year due to Counties being audited and determining overcharged fees. Mr. Adams stated the Tax Collectors changed their billing process of upfront billing to prevent having to give credits at the end of the fiscal year.
 - The Trustee has not submitted bills and typically submits them all at once.
- The financials were accepted.

EIGHTH ORDER OF BUSINESS

Approval of February 24, 2021 Regular Meeting Minutes

Mrs. Adams presented the February 24, 2021 Regular Meeting Minutes. The following changes were made:

Line 93: Change "to his response" to "with his response"

Line 152: Insert "Mr. Miller asked Mr. Albeit if Mr. Parisi would be at the next meeting to discuss this issue. Mr. Albeit said he would mention it to Mr. Parisi." before "Asked"

Line 154: Insert "and that Down-to-Earth dropped out as they did not want to compete with Windham Studio Inc." after "present"

Mr. Miller reiterated his preference, going forward, for Management to provide detailed minutes, instead of summary minutes, as it proved helpful in the litigation with the Indenture Trustee and is useful in depositions. It was noted that written minutes were used during the litigation process, not the audio; however, the audio is always available. Mrs. Adams stated she would submit the request to corporate.

On MOTION by Ms. DiNardo and seconded by Mr. Klug, with all in favor, the February 24, 2021 Regular Meeting Minutes, as amended, were approved.

NINTH ORDER OF BUSINESS

Public Comments

There were no public comments.

TENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires distributed the letter to Mr. Hough, the attorney for TM, responding to his prior email and correspondence, which would be included in the discussions with the County today.

I. Update: Amaranda Landscape Maintenance

Mr. Pires would follow up with the items discussed earlier in the meeting.

II. Update: Halvorsen Traffic Signal Contribution Discussion

Mr. Pires stated that he spoke to Mr. Parisi and hoped to set up a meeting within the next few weeks. Mr. Miller stated that the District's request was not major; it was only for Halvorsen to advance its payment to the District, so it could be used when the traffic signal payment is due. Mr. Pires recalled that the money would be provided at the time the contract was executed, which would be past the signal warrant stage when the County would accept the signal warrant to proceed. Mr. Parisi stated it would be up to Halvorsen to agree to change the contract terms, which Mr. Miller understood, and explained how the request came about. Mr. Parisi stated it would be easier to discuss this with them once they have the warrants.

Mr. Pires stated that the Collier County Watershed Improvement Program engaged a new Project Manager and requested additional information from the County Water Management District. Since the County's response was to hold any further requests, as they were hiring a new Consultant, he asked County Staff to give a presentation at the April meeting on the status of the Program; however, he had not yet received a response from the County.

Mr. Pires distributed a draft Water and Sewer Facilities Warranty Deed for the Fiddler's Creek Plaza. He recommended approval, in substantial form, as items on the plat must be filled in and the sketch would be included as an Exhibit. The Agreement was identical to Agreements used in the past; it is a County form and in the County's format.

On MOTION by Ms. DiNardo and seconded by Mr. Klug, with all in favor, the Utility Facilities Warranty Deed and Bill of Sale between Fiddler's Creek CDD #2 and the Board of County Commissioners of Collier County, Florida, as a governing body of Collier County and Ex-Officio Governing Board of the Collier County Water-Sewer District, in substantial form and subject to final legal review, and authorizing the Chair to execute the final Agreement, was approved.

Mr. Pires stated he hoped the plat would be recorded with the County soon.

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

- **NEXT MEETING DATE: April 28, 2021 at 10:00 A.M.**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the April 28, 2021 meeting.

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

The Field Operations Report was included for informational purposes.

Mrs. Adams responded to questions posed, as follows:

- Aviamar and OH Fountains: Staff believed those fountains were down due to a power surge and, although they have surge protectors, they can still go down.
- Aviamar Bougainvillea Trellis Plants: As the cost seemed high, Staff would price it out.
- Urns at Veneta Entrance: Having the liners replaced would be coordinated.

Mr. Cole reported that several parties participated in completing the pump house inspections. He noted that Ms. Smith was working on obtaining quotes for the roof repairs. The lifespan of the pump house equipment would expire soon, and a new roof would be required; therefore, he recommended that the Board consider these expenses during budget season; the costs would be shared with CDD #1. He identified the pump station locations on the map and provided the following replacement schedule:

- Pump House #2 at Lake 88: Replace within the next two years at a cost of \$600,000.
- Pump House #1 at Lake 88: Replace in four years.
- Pump House #3 at Lake 85: Replace in ten years.

Mr. Miller noted the possibility of financing the expenses rather than the funds coming out of the budget.

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.

On MOTION by Ms. DiNardo and seconded by Mr. Klug, with all in favor, the meeting adjourned at 11:53 a.m.



Secretary/Assistant Secretary



Chair/Vice-Chair