

**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 July 28, 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 (via telephone)	Assistant Secretary
Bill Klug (via telephone)	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Ron Albeit	Foundation General Manager
Dan Frechette	Fiddler’s Creek Security
Joe Parisi	Developer’s Counsel
Joan Smith	Resident
Shannon Benedetti	Resident/Landscape Committee Member
Margie Cardillo	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 10:01 a.m. Supervisors DiNardo, Miller and Viegas were present in person. Supervisors Nuzzo and Klug were attending via telephone.

On MOTION by Ms. DiNardo and seconded by Mr. Miller, with all in favor, authorizing Mr. Nuzzo and Mr. Klug’s attendance and full participation, via telephone, due to exceptional circumstances, was approved.

SECOND ORDER OF BUSINESS**Public Comments: Non-Agenda Items**

Resident Joan Smith asked for the status of her request at the last meeting regarding whether they can extend the wall on Sandpiper Drive past the old Aviamar construction entrance. Mr. Parisi stated they were working on the contract to install a chain-link fence surrounded by landscape on both sides, instead of using the existing material.

THIRD ORDER OF BUSINESS**Continued Discussion: Status of Line of Credit for Impending Hurricane Season**

Mr. Adams stated that both Synovus and IberiaBank declined to issue a line of credit to the CDD; he was now speaking with FineMark Bank. Mr. Miller stated he would contact Wells Fargo Bank and TIAA Bank and let Mr. Adams know the outcome. Mr. Adams stated IberiaBank declined the CDD's request for a line of credit due to the CDD's historical financials involving litigation and Synovus declined because they are only interested in relationships with their current clients. He confirmed that the CDD's financial reports were not provided, as typically Audits are reviewed and available as public records. Mr. Pires suggested contacting First Florida Integrity Bank; he would email the contact information to Mr. Adams.

- **Bond Call Dates/Possible Refinancing Opportunities**

This bullet item will be removed from future agendas, as no bonds would be eligible for refinancing until 2024.

FOURTH ORDER OF BUSINESS**Continued Discussion: Fiscal Year 2022 Proposed Budget**

Mr. Adams stated that Ms. Viegas' edits were or would be incorporated into the final version of the proposed Fiscal Year 2022 budget. He noted that the budget needs to be finalized because the assessments were increasing, and the CDD must send Mailed Notices to the property owners advising them of the assessment increase.

Mr. Adams responded to budget-related questions regarding the following items:

- Mr. Miller's question about the "Due to" and "Due from" amounts: Mr. Adams explained the shared expenses between CDD #1 and CDD #2, which are mostly related to

irrigation. Accounting was notified to resolve this, as the amount should not be significant or reported for longer than 30 days.

- Ms. Viegas' question regarding whether the Trustee fee amount was reviewed, as requested by Mr. Miller: Mr. Adams replied affirmatively; the Trustee fee amount was correct.
- Ms. Viegas' comments about CDD #2's Equivalent Residential Units (ERUs) increasing due to lots transferring from CDD #1 to CDD #2, which should reduce the per unit assessments: Any ERU changes would likely not occur until Fiscal Year 2023, as the process to finalize CDD #1's boundary amendments would go through the State, which takes longer to approve than CDD #2's process, which goes through the County.

The Fiscal Year 2022 on-roll assessments would be \$1,592.31 and the off-roll assessments would be \$1,472.89.

On MOTION by Ms. DiNardo and seconded by Mr. Miller, with all in favor, authorizing Staff to prepare and send Mailed Notices to property owners related to the anticipated Fiscal Year 2022 assessment increase, setting the on-roll assessment level at \$1,595 and off-roll assessment level at \$1,475, for noticing purposes only, was approved.

FIFTH ORDER OF BUSINESS

Health, Safety and Environment Report

- **Irrigation and Pressure Washing Efforts – Todd Lux**

This item was presented following the next item.

- **Security and Safety Update – Dan Frechette**

Mr. Frechette reviewed portions of the PowerPoint presentation, reported the following and/or responded to questions, as follows:

- Regarding Ms. Viegas' comment that these reports are to be in the agenda package, Mr. Frechette stated that these reports would be submitted to Management eight to ten days in advance of each meeting so they can be included in the agenda package.
- All gates were operational; numbers were down for June due to summer.
- Occupancy: 806 units; which was going down, as well.

- Incidents: The number of incidents was down and there were fewer parking tickets since there were fewer people in the community during the summer.
- Vendor Radio Frequency Identification (RFID) Sticker Program: Regarding Ms. Viegas' question, ISN staffer vacations caused some delays; however, they were working on the program and it was expected to be operational soon.
- Staffing: Regarding Mr. Miller's question if staffing was stable; the Human Resources Department was working to fill three vacant positions; the roving patrol is currently being used to cover those positions.
- Regarding Mr. Nuzzo's question about the operation of the Sandpiper gate, the gate was fully operational and handheld scanners were being used on large trucks accessing the property.

- **Irrigation and Pressure Washing Efforts – Todd Lux**

Mr. Parisi provided updates on the irrigation and pressure washing efforts as follows:

- Irrigation: Work to reroute the irrigation lines in Oyster Harbor (OH) to the main line, to relieve the pressure issues in the system, was almost completed; it was necessary to correct the Taylor Morrison (TM) design issues. The redesign, which the contractor and Mr. Cole reviewed, was approved.

Mr. Miller asked the Board to consider asserting a claim against TM to recoup additional engineering and legal expenses incurred as a result of TM's conduct and apathy towards the CDD's claims. The question of whether there is a way to calculate those costs was posed. Mr. Pires stated he was preparing a letter to TM and, as Mr. Cole's expenses associated with Amador issues were received, he would include his expenses as well.

The following suggestions and actions regarding this matter were discussed:

- The CDD could make the claim to see how TM responds. The claim would include the April 2021 minutes highlighting discussions about Mr. Kimmel's drainage and Ficus hedge issues and revised drawings. Mr. Cole would present this later in the meeting.
- If TM needs something from the CDD in the future, that could be used as leverage to motivate TM to consider the CDD's claims.

➤ Once he speaks with Mr. Cole, Mr. Parisi would prepare something from The Foundation regarding the items discussed for inclusion in the letter to TM.

Mr. Miller stated the above discussions constitute an update of the next agenda item.

SIXTH ORDER OF BUSINESS

Developer's Report/Update

Speaking as a resident of OH and not as a Board Member, Mr. Nuzzo stated that he and other homeowners had voiced their displeasure with TM over the last five years, with regard to construction, management and failure to follow up on certain matters. He commented that things have improved in the last year or so, but the major gaps in TM's Management and Construction Management divisions caused many construction and building issues.

Mr. Parisi reported on the following:

➤ Regarding the above comments about TM, he noted that Mr. Cole discussed various issues within OH that resulted in actions, such as the valley gutters being replaced; however, the repairs to the asphalt that was damaged during the process remain outstanding.

➤ Kuamaoto Lane was under construction. COVID-19, scheduling County Inspectors and the weather caused longer delays. Ongoing activities include:

- ✓ Pouring sidewalks.
- ✓ Prepared area for the valley gutters to be re-poured.
- ✓ Inspection for the sewer video was scheduled for that Thursday.
- ✓ Relocation of two fire hydrants was scheduled for August 3, 2021.
- ✓ The asphalt paving on Kuamaoto Lane was scheduled for August 9, 2021.
- ✓ Finalized the concrete curbing replacement project and, once completed, sod

would be installed in any areas damaged during the project.

Concerns about pursuing litigation against TM were expressed, as the litigation expenses could outweigh the recovery. CDD Staff comments about the age of the system were discussed, along with valley gutter issues, and County Staff deeming TM's drainage easement record drawings compliant.

Ms. Viegas asked if The Foundation was seeking reimbursement for additional costs incurred to redesign the irrigation. Mr. Parisi stated that The Foundation was in discussions

with TM about several matters, such as the purchase of land north of Estancia being used to enter Fiddler's Creek for construction in OH.

Ms. DiNardo advised Mrs. Adams of several matters at the Veneta fountain that required attention, such as weeds growing from the Veneta fountain, fencing between the columns that needs to be painted before rust sets in, and, in the backside of the fountain, two white lines are showing on the base and require removal. Various areas needed to be pressure washed at the Veneta and Aviamar fountains, decorative monuments, benches and surrounding areas. Mrs. Adams noted that certain portions of the project were completed; another contractor was engaged to complete the overall project. In response to Mrs. Adams comment that several requests were made to The Foundation and Ms. Viegas' comment that the Aviamar benches were pressure washed recently, Mr. Albeit stated that The Foundation was in the process of securing a second machine so the areas can be washed more frequently. He asked Mrs. Adams to contact Mr. Lux with the request and stated that the team will typically stop what they are doing and address areas, when requested.

Mr. Miller asked Mr. Klug what was happening to the roofs in Varenna. Mr. Klug stated he was no longer on the HOA Board and suggested verifying what he believed, which was that the HOA was close to going under contract to commence full replacement of all the roofs throughout the Varenna community.

Mr. Parisi reported the following:

- Publix signed off on Fiddler's Creek installing a gate at the road behind their building and a box inside the loading dock that, when used, would alert the Fiddler's guard at the gatehouse to monitor, via the camera system, who goes in and out of the facility.
- The transportation department was in the process of reverting the terms in the original Agreement regarding access. Mr. Parisi did not know when Publix would approve the Agreement or if the gate would be installed before the store opening, which was rumored to be in September.
- Accelerate Payment Schedule: The letter to Halvorsen requesting Publix to accelerate payment of its portion of the costs for the traffic signal on Sandpiper Drive would be sent today. The letter was delayed as he did not want to slow down the process of resolving the gate issue.

Ms. Viegas asked for the status of the undeveloped land in Amaranda. There was confusion about the area in question. Mrs. Adams clarified that the CDD is incurring costs to maintain a large section of undeveloped land without irrigation that the Developer never developed. Mr. Parisi stated he would research it. He noted there were no plans to develop the property; however, Mrs. Adams stated the Developer should do the same with the land under discussion as they did when they developed the backside of the decorative fencing adjacent to US 41.

SEVENTH ORDER OF BUSINESS**Engineer's Report: *Hole Montes, Inc.***

Mr. Cole presented and reported the following:

➤ Draw 171 for approximately \$82,000 for the 2014-2 Series Bond: Comprised mostly of South Florida Excavation related to the Fiddler's Creek Plaza project, less \$5,000 as minor change orders from the contractor were pending. Mr. Cole emailed the landscape related punch list items to Mrs. Adams and to Juniper. GulfScapes took over landscaping of one portion of the project and Juniper is maintaining the area within the Plaza.

Mr. Miller asked what the Lykins-Signtek invoice was for. Mrs. Adams stated a decorative pedestrian crossing sign was installed at Campanile to replace the temporary sign.

➤ Oyster Harbor: Several areas were inspected. Collier Paving had substantially completed the curb repairs, the incidental damage to the asphalt was patched and the paver block work appeared to be done. During a meeting in June with Mr. Norton and Mr. Cook, of TM, several things were reviewed. The timing of the second lift of asphalt depended on completion of the homes, which is months away.

Mr. Miller asked how many homes would be in OH, once completed. Discussion ensued and it was believed that, of the 500 to 600 homes planned, 200 remained to be built; these projects would be broken down into sections.

➤ TM has not responded to the request made in June for its contractor, Ryangolf, to complete the lake bank erosion repairs that continue because they failed to compact the sand they installed or to install sod.

Mr. Pires stated this may be a code enforcement matter. Mr. Cole stated that the CDD accepted the lakes, under the excavation permit, before homes were built. Because TM proceeded with repairs and did not argue the cause was because of their lack of erosion control when the homes were built, they would have to tie this issue to the building permit. Mr. Cole would contact Mr. Pires and Mr. Parisi to discuss the matter. Permits, County and Developer standards, homes missing yard drains necessary before installing geotubes, adding the cost of geotubes to the budget and life expectancy were discussed.

Mr. Cole stated that, although installing yard drains is not a County requirement, it is prevalent in every Florida community; he would discuss this with Mr. Parisi. Mr. Parisi suggested notifying the HOAs and homeowners that the clock will run out four years from the time TM was notified of any issues. He referred to a Florida Statute and stated the Developer's Engineers can review engineering plans and inspect the land to ensure it is graded properly.

Mr. Pires referred to the SFWMD permit and recommended sending a letter advising TM that their activities are violating the permit. Mr. Cole would provide sections of the permit to send with the letter. Mr. Pires noted that other CDDs initiated programs to install yard drains as a way to prevent incurring lake bank restoration costs as it was becoming cost prohibitive.

Mr. Klug asked how this relates to the Statute matter later in the agenda. Mr. Pires stated the letter to TM could include the memorandum, behind Item 11A2, regarding Chapter 2021-194 related to wastewater and stormwater needs.

Mr. Miller stated the Statute relates to duties imposed on the CDD and he did not want the CDD to inherit the issues TM caused. Since Mr. Miller suggested the CDD take an aggressive position since there are time constraints, Mr. Parisi stated he would discuss with others whether The Foundation and the CDD should take a joint position to address the issues with TM.

➤ Amador Swale: An activity timeline was provided. GradyMinor drawings indicated having yard drains, but they were not actually installed until the homes were built and then some were installed in the wrong locations.

Mr. Cole stated that he and TM discussed doing a survey, but it never happened and both were now recommending that TM re-install the yard drains, the CDD connect the pipe

from the yard drain, run it to the buffer into the lake, and have the HOA, if acceptable, maintain the ones not on CDD property. This would avoid removing the Ficus hedge from the drainage easement and be a less costly option. Holding a meeting with all three parties and having an Agreement were discussed, along with pushing the costs onto TM and the Developer being in possession of pool plans.

Mr. Cole was asked to obtain cost estimates for the proposed remedial plan, plats and pool permits on the lots in question, and present them at the next meeting. He would present the costs to proceed with the original plan which prove the new remedial plan as less costly.

The Board agreed that the next step would be to hold in-person meetings with Mr. Pires, Mr. Cole and TM Counsel.

- Corfu Court valley gutter repair project is scheduled to be done within the next week or two.
- The asphalt patch to repair the chemical spill on Museo Drive was completed.
- Sandpiper/US-41 Traffic Signal: After the Florida Department of Transportation (FDOT) Zoom meeting to discuss the methodology for conducting the traffic counts, the decision was made to delay it until the end of September, once Publix opens and the traffic activity increases.

Mr. Cole provided the following responses regarding the status of items discussed at prior meetings:

- Valley Gutter Installation at Mr. Garvey's Property: He would inspect the property after the meeting to determine if the project was completed.
- Mr. Cole and Mrs. Adams confirmed that the Callista Representative replied via email that they were pursuing turning the remaining roads over to the CDD.
- Mr. Cole and Mr. Pires will meet to discuss the specifics and liability concerns about the sidewalk easement issues at Fiddler's Creek Plaza.

EIGHTH ORDER OF BUSINESS**Acceptance of Unaudited Financial
Statements as of June 30, 2021**

Mrs. Adams distributed the Financial Highlights Report. In response to a question, Ms. Adams confirmed she was waiting for an update from the Accounting Department, who was addressing Ms. Viegas' questions. The financials were accepted.

NINTH ORDER OF BUSINESS

Approval of Minutes

A. April 28, 2021 Regular Meeting

Based on Ms. Viegas' suggestion, the Board agreed to proceed with reviewing only the updated sections of the April 28, 2021 Regular Meeting Minutes, beginning on Pages 7 and 10, as the other portions of the April minutes were approved at the May meeting.

The Board agreed to the following:

Incorporation of Ms. Viegas' edits previously submitted to Management, including her edits to verbatim statements made by others, without reviewing those changes.

The following additional changes were made:

Line 194: Insert "had not viewed the area." After "Members"

Line 330: Insert "in" after "installed"

Line 360: Insert "it" after "because"

Line 389: Change "tie" to "sue"

Line 394: Delete "That is not our point"

Line 398: Change "insurance..." to "insurance problem."

Line 404: Insert "lots" after "as to" and "the" after "here is"

Line 407: Delete "," after "clearly"

Line 410: Delete "We are responsible for operating those."

Line 420: Change "our" to "any"

Line 429: Change "assumed" to "assume"

Line 434: Insert "it was" after "time"

Line 447: Insert "buffer." after "vegetation"

Line 461: Change "the part" to "in part"

B. June 23, 2021 Regular Meeting

Mrs. Adams presented the June 23, 2021 Regular Meeting Minutes. The following changes were made:

Line 72: Delete "was made"

Line 95: Change "street lights" to "streetlights"

Line 273: Change "asked when" to "stated"

Line 263 and 270: Change "pumphouse" to "pump house"

Line 321: Change "Juniper's" to "GulfScapes"

Line 370: Change "e-mail" to "email"

Line 368: Insert "Veneta and" after "for the"

Lines 390 and 391: Delete "(LV wants it one word)" and the last sentence

Line 504: Change "Cole" to "Pires"

On MOTION by Ms. DiNardo and seconded by Mr. Miller, with all in favor, the April 28, 2021 Regular Meeting Minutes, as amended, and the June 23, 2021 Regular Meeting Minutes, as amended, were approved.

TENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

ELEVENTH ORDER OF BUSINESS

Staff Reports

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

I. Update: Letter to Taylor Morrison Regarding Hedge Removal and Berm

This item was discussed earlier in the agenda.

II. Discussion: Memorandum Regarding Chapter 2021-194, Laws of Florida [2021 Legislation; CS/CS/CS/HB 53]; Requirements to Prepare and Submit: 1. Wastewater Management Needs Analysis; and 2. Stormwater Management Needs Analysis

Mr. Pires distributed and presented the Memorandum regarding Chapter 2021-194, which was recently passed legislation that was executed by the Governor and goes into effect July 1, 2021. He highlighted the following:

- The CDD is required to submit a Stormwater Management Needs Analysis Report to the County by June 30, 2022 for review before submitting it to the State.
- A report will be due every five years thereafter.
- There are no penalties associated with this new law if reports are not submitted.
- The CDD does not have to submit a wastewater report as it does not own a facility.
- Mr. Cole and Mr. Adams would coordinate and prepare a timeline upon receipt of the Florida Department Environmental Protection (FDEP) guidelines for preparing the report.

Ms. Viegas asked if Fiddler's Creek Plaza uses the CDD's stormwater system. Mr. Cole stated the created lake goes into the CDD's stormwater system, but it is only one pipe. His costs to include this in the report would be minimal. With regard to the County stormwater fee, Mr. Pires stated the person pursuing the fee was no longer with the County and the County did not seem to be pursuing it any longer.

III. Update: Meeting with Halvorsen Regarding Traffic Signal Contribution

This item was discussed during the Sixth Order of Business.

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

- **NEXT MEETING DATE: August 25, 2021 at 10:00 A.M. {Adoption of FY 2022 Proposed Budget}**
 - **QUORUM CHECK**

The next meeting would be held on August 25, 2021.

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

The Report was emailed to the Board, and provided as a handout, for information purposes.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

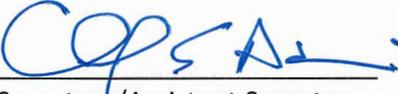
THIRTEENTH ORDER OF BUSINESS

Adjournment

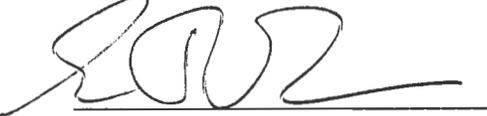
There being no further business to discuss, the meeting adjourned.

On MOTION by Ms. DiNardo and seconded by Ms. Viegas, with all in favor, the meeting adjourned at 11:51 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/~~Vice~~ Chair