

**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 November 10, 2021 at 10:00 a.m., at The Rookery at Marco Golf Club, Board Room, 3433 Club Center Drive, Naples, Florida 34114. Members of the public were able to listen to and participate via Zoom, at <https://us02web.zoom.us/j/86899674594>, and 1-929-205-6099, Meeting ID 868 9967 4594 for both.

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
Tony Pires (via telephone)	District Counsel
Terry Cole	District Engineer
Joe Parisi	Developer’s Counsel
Connie Creamer (via telephone)	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 in person.

SECOND ORDER OF BUSINESS

Public Comments: Non-Agenda Items

Mr. Miller asked the meeting attendees to speak loudly and clearly. He stated that Mr. and Mrs. Creamer sent numerous emails regarding what he believed to be a Developer issue. He suggested she describe the problem to Mr. Parisi and then make an appointment to discuss the issue.

Mrs. Connie Creamer stated she was calling on behalf of several fellow Cranberry Crossing residents. The back of the homes in Cranberry Crossing are across the creek from Oyster Harbor (OH) and, when vehicles drive down Kumamoto Lane, which is currently under development, the headlights shine directly into their homes. When Taylor Morrison (TM) originally constructed the street, a berm with four palm trees and two small shrubs was planted; however, since then the trees and shrubs were pulled out, and the berm was flattened. She discussed Belon Lane, a similar street in OH that backs up to Cranberry Crossing. It has a berm with palm trees and tall and short shrubs that provide an effective buffer to the headlights. She asked for a similar barrier to be installed to remedy the headlight issue in Cranberry Crossing.

Mr. Miller stated this is not a CDD issue. Mr. Parisi noted her concern and stated that he would contact Mrs. Creamer directly regarding the issue.

THIRD ORDER OF BUSINESS

Update: Line of Credit for Impending Hurricane Season

Mr. Adams stated that there was still no decision; it was still under committee review. He would call again to request an update.

FOURTH ORDER OF BUSINESS

Update: Status of Taylor Morrison Faulty Design Issues and Potential Claim for Associated Engineering and Legal Expenses

Mr. Pires stated he received no further response from TM since the last communication and Mr. Cole was working with TM on the issue. He asked if the Board wished to pursue a more aggressive course of action. Mr. Miller asked what more aggressive action Mr. Pires would recommend. Mr. Pires stated Mr. Cole recommended asking TM to initiate the GulfScapes plan of action with the contractor at TM's expense. Mr. Cole stated the last contact was several months ago. He recalled that GulfScapes is the company in question and the proposed work would cost \$20,000. As he was under the impression that Mr. Pires was to initiate discussions with TM, he had not pursued the matter further.

Ms. Viegas stated her recollection that Mr. Parisi was to send a letter to TM explaining all the CDD's issues in combination with his issues.

Mr. Parisi stated the CDD's issues are not the same as his issues and he sent a letter to TM with his issues. He raised the CDD's construction related issues to TM President, Mr. Steve Kempton, who then immediately began addressing the issues with local people. He believed those issues in OH were completed or nearly completed. He believed there were two different village issues; the first, in Amador, involved TM or a contractor doing work and the second involved legal fees and costs related to addressing the issues in OH. Regarding the legal fees, he suggested sending a letter to TM's lawyer; other actions may be taken if TM does not pay, but he could not assist in that matter. He assisted in facilitating meetings with Mr. Keith Norton and with Mr. Kempton.

Mr. Miller stated it took many months to arrange those meetings and, in his opinion, TM was not very forthcoming in trying to be helpful. He stated there was a separate issue in Amador.

Ms. Viegas stated that in reading past meeting minutes, she thought Mr. Cole and Mr. Pires were going to email their expenses to Mr. Parisi and that Mr. Parisi would send that to TM. Mr. Parisi stated he could forward that information to TM. He noted that these issues were raised at a CDD Board Meeting and that these are the expenses they incurred in addressing "your" defective work that "you" have now corrected. He stated he had all the information needed so he could email a summary of the issues to TM and request that they cut a check. Ms. Viegas asked Mr. Pires if he sent his expenses and Mr. Cole's expenses to Mr. Parisi. Mr. Pires replied affirmatively.

Mr. Pires asked Mr. Parisi if he raised the rear yard drainage issue when he addressed the construction related issues with TM. Mr. Parisi stated he did not raise that issue. The consensus was that was the Amador issue.

Mr. Parisi asked Mr. Pires to email him about the Amador issue and the expenses related to OH and he would forward the information to Mr. Kempton and advise him that the issue was raised at a CDD meeting and that it should be addressed.

Ms. DiNardo asked if that included the GulfScapes landscaping mentioned by Mr. Cole. Mr. Pires stated he did not think Mr. Cole's proposed solution was communicated to TM yet, as he believed that Mr. Parisi was addressing it. He stated that he would prepare and send the letter and copy Mr. Parisi so that he can also address it with TM.

Mr. Parisi asked if any correspondence was sent to TM yet on behalf of CDD #2. The consensus was that much correspondence has been sent to TM.

Mr. Parisi asked Mr. Pires to send him copies of the previous correspondence to which TM has failed to respond so that he can include those in the email to TM. Mr. Pires believed he sent those to Mr. Parisi in the past, but he would send them again. Mr. Miller stated that the TM issue in Amador has been a recurring issue with constant complaints from residents, one of whom threatened a lawsuit. He felt that TM has been very, very slow to respond to any issues and that, if Mr. Parisi is able to make any progress, it would be a miracle because TM is very unresponsive. Mr. Parisi stated, if Mr. Pires would send him the past correspondence and the expenses to be paid, he would reference those in the email. Mr. Pires stated he would send the correspondence, as well as a separate letter addressing the GulfScapes proposal and asking TM to address that issue.

Mr. Klug asked if CDD #2 also had Engineering and Legal expenses related to the Amador issue for which reimbursement is due. Mr. Adams stated, as of August 24, 2021, those expenses totaled nearly \$11,000. Ms. DiNardo believed that was included in the recent letter. Mr. Miller asked Mr. Pires to determine if the \$11,000 in Amador expenses was included and, if not, to make sure it is included.

FIFTH ORDER OF BUSINESS**Developer's Report/Update**

Mr. Parisi stated the back service gate for Publix at Sandpiper Drive was expected to be completed by Christmas; additional permitting contributed to delays but all work has been contracted.

Ms. Viegas asked if Halvorsen indicated whether they are willing to pay earlier, since Mr. Pires can no longer participate in discussions. Mr. Parisi stated that he received an email stating that there was a contract but Halvorsen would be willing to discuss making a partial

payment sooner. Mr. Miller stated the CDD is not looking for more money, it just does not want to have to pay for it themselves, up front. Ms. DiNardo felt that the CDD should be open to a partial payment. Mr. Parisi stated he understood Halvorsen's concern and why they wrote the contract the way they did, but he believed they are open to discussion.

Mr. Parisi advised Mr. Pires that he saw the October 27, 2021 email; however, he felt that two sentences and two numbers were insufficient and he would need backup and documentation. Mr. Pires stated he would email the backup.

Mr. Miller asked Mr. Cole if he works from timesheets like attorneys do. Mr. Cole replied affirmatively and stated he sent a summary of all the hours to Mr. Pires. Ms. DiNardo asked if that included GulfScapes. Mr. Cole stated it did not; the \$20,000 was the estimated cost of the GulfScapes work.

Ms. Viegas asked if the scheduled repairs on Kumamoto Lane and Belon Lane were finished. Mr. Parisi stated there were different levels of repairs. The Belon Lane repairs included curb and valley gutter repairs and he believed TM addressed most if not all those issues. When Kumamoto Lane is no longer under construction, the final lift of asphalt would be done. Mr. Miller asked about the issue raised by Mrs. Creamer. The consensus was that her issue is unrelated to this.

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

Mr. Cole stated, over the last few months, he has been checking TM's lake erosion repairs in OH and all the work is finished and an inspection would be filed. Some areas in OH have lake erosion, but it is the longitudinal type of erosion for which geotube repairs might be necessary. He stated that recommendations would be made for the Fiscal Year 2023 budget and, while some funds were budgeted, the funds were not specifically earmarked. Mrs. Adams stated that \$30,000 was budgeted for lake bank restoration in Fiscal Year 2022.

Ms. DiNardo asked how old the lakes in OH are. Mr. Cole stated the lakes are at least five years old. Ms. DiNardo asked if, after five years, the lake erosion is an indication of things to come. Mr. Cole stated erosion depends on several factors and noted that Hurricane Irma hit four years ago and may have caused some of the damage, as some of the lakes were in

existence then. He stated the items that were identified as homebuilder related were resolved. Mr. Miller asked if there was any culpability on TM's part regarding lake erosion. Mr. Cole stated there was none that he could see and added that TM repaired some issues that they were not necessarily responsible for that could have been homeowner related or were caused by a homebuilder building a house. TM built numerous houses but did not build all of the ones where erosion occurred. TM repaired numerous locations that were beyond their responsibility. Mr. Miller asked if it was clear to Mr. Cole that, if the CDD has liability to install geotubes, the issues cannot legitimately be attributed to TM. Mr. Cole replied affirmatively.

Ms. DiNardo asked if Mr. Cole would provide estimates for the geotube repairs. Mr. Cole stated it would be included in the Fiscal Year 2023 budget discussions. Mrs. Adams stated that the \$30,000 budgeted for such repairs during Fiscal Year 2022 would be insufficient.

Mr. Cole stated, regarding the traffic signal, the consultant indicated there is not enough traffic and the traffic study should be delayed until season. Mr. Miller stated he goes to the Publix parking lot several times a week and it grows fuller each week. He recalled that it was an exercise in great patience to get the traffic light on 951 and he did not expect this light would be any quicker. Mr. Cole hoped it would be quicker, as 7-Eleven would be opening soon.

Mr. Cole stated CDD #1 raised a concern and an email was sent to Mr. Mark Minor, who designed and permitted the Publix sign. The concern is about sight distance exiting Sandpiper Lane onto Sandpiper Drive because, when preparing to turn left or right, the sign is visible to the left but you cannot see the gatehouse as there is a curve there. Traffic should not go so quickly that oncoming traffic is not visible; this was referred to Mr. Minor.

- **Continued Discussion: Lake Easements and Plats**
 - **Status of Irrigation Easement/Installation of Irrigation Line**

Mr. Cole stated he spoke with Mr. Parisi about the Board's request for an indemnification from the HOA, as discussed at the last meeting. Mr. Parisi stated he would put it together. When homeowners request a Letter of No Objection (LONO), he would inform them of their responsibility to move objects impeding on the easement, if necessary.

Ms. Viegas thought that Mr. Cole was to follow up on why irrigation lines were being put behind homes, since they are usually in front. Mr. Parisi believed that was misinformation and stated that the irrigation lines are always put in the back, never in the front. Mr. Cole agreed.

SEVENTH ORDER OF BUSINESS

Discussion: Jensen Underground Utilities, Inc., Repair Invoice #21-124 for Damaged Sewer Lateral by Wall Post

Mr. Cole stated the repair invoice for the wall installed five years ago was approved contingent upon his confirmation that no private work was included in the invoice. He had confirmed that the invoice was all related to repair of the sewer lateral; the cleanout by the gatehouse was paid for separately, as a separate invoice for a private line.

Ms. Viegas stated she rode by the wall, observed that a piece of the wall is missing, and asked if it would be replaced. Mr. Cole stated he would look into it.

Ms. Viegas asked if, since the last meeting, Mr. Cole had any luck finding a contractor to do the pumphouse roof repairs. Mr. Cole stated that he had not. Ms. DiNardo asked if a tarp was placed on the roof. Mr. Cole replied no and stated the first of the three pumphouses would not be replaced until August 2023. At this point, repairs may be held in abeyance if it would be replaced in a year and a half because the repairs are not significant. The consensus was that supply chain issues might continue so the repairs could wait. Mrs. Adams asked Mr. Cole to have blue tarps put on the roof.

Ms. Viegas asked for clarification, as her understanding was that one of the reasons assessments increased was based on the pumphouse repairs. She asked why nothing would be done until 2023. Mr. Cole recalled that, because of the amount of repairs, which would cost about \$750,000 per pumphouse, each CDD began funding for the repairs in Fiscal Year 2022. Ms. Viegas stated she believed the roof repairs were part of that. Mr. Cole stated the roof repair costs are a minor amount.

Mr. Miller asked why a contractor gets a profit on work done by a subcontractor. Mr. Cole stated there is a standard 10% markup for managing the work of the subcontractor; it is an industry standard.

EIGHTH ORDER OF BUSINESS

Continued Discussion: Amaranda Landscape Maintenance

- A. License Agreement Between CDD and Amaranda Village Association, Inc.**
- B. Letter from District Counsel to HOA Regarding Replacement of Dead Palms and Better Maintenance of Landscape Beds**

Mr. Pires stated he sent a letter to the HOA and Ms. Soler responded to the Chair that the issues would be addressed immediately.

Mr. Miller stated he knew Ms. Soler to be a very responsible person and noted that she had already addressed another CDD issue for which he shared copies of the correspondence with the Board and Staff. He expressed great confidence in her efficiency and service to the community.

NINTH ORDER OF BUSINESS

Discussion/Consideration of Open Space/Undeveloped Parcel: Cordgrass vs. Bushhogging

Mrs. Adams stated that proposals would be presented at the next meeting.

TENTH ORDER OF BUSINESS

Continued Discussion: Consideration of Acceptance of Deeds for Fee Simple Ownership of Various Landscape/Buffer Tracts Within Fiddler's Creek Community Development District 2

Mr. Pires stated that revised, corrected documents would be presented at the next meeting, along with a cover Memorandum and a proposed Resolution.

Mr. Klug stated he was asked by a Veneta resident to ask the Board to consider extending the hours of the Veneta fountain illumination from 11:00 p.m. to midnight, adding another hour of illuminating the fountain before the lights go out. Mr. Miller asked Mr. Klug if he supported the proposal. Mr. Klug stated, in his personal opinion, it would be a waste of money; he does not feel that people are driving or walking at that hour. Ms. DiNardo stated there was not a big demand for it. She thought the question was raised in the past and she did

not believe the majority of people would benefit from it. She supported the status quo. Mr. Nuzzo agreed.

Mr. Miller asked Mr. Klug to tell the resident that the Board decided against it.

Ms. DiNardo stated that the timers have not been reset since daylight savings time went into effect. Mrs. Adams stated she would follow up.

ELEVENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires reported that the OH Phase 3 Plat LONO was issued with a slight revision, as the Developer corrected the two items suggested and approved by the Board. The letter was sent in and the Chair was kept in the loop. Mr. Pires stated he appreciated his participation.

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

I. Update: Collier County Mosquito Control District Treatment Schedule

Mrs. Adams distributed an email response she received from the Collier Mosquito Control District (CMCD) for discussion purposes. Ms. DiNardo observed that the CDD has been doing additional mosquito treatments every year and has expanded the budgeted funds because the service provided by the County has been inadequate. She felt that property owners are being taxed unfairly. Mr. Klug felt that the CDD should consider informing the CMCD that the CDD is supplementing the treatments.

Mr. Adams stated the Board decided to have the additional treatments because the County was not providing the needed level of service and it is within the Board's authority to do so. The consensus was that the goal is to supplement the County. Mr. Adams stated, at this point, the County is actually supplementing the CDD.

Ms. DiNardo felt that, if the CDD was doing the work, the mosquito count would not be triggered and suggested allowing the County to do its treatments.

Mr. Adams suggested returning to the previous schedule, which was every other week. This past year treatments were increased to weekly. Mr. Miller asked what CDD #1 does. Mr. Adams stated CDD #1 has the same schedule as CDD #2. Mr. Miller suggested coordinating with CDD #1.

Mr. Klug asked if there was any basis to have the CMCD reimburse some of the expenses the CDD has incurred. The consensus was that it would not be credited as it is an ad valorem tax that all residents pay. Ms. DiNardo supported notifying the CMCD that it is not providing a sufficient level of service.

Mr. Adams recommended reducing spraying to every other week. Mrs. Adams suggested advising residents to contact the CMCD to request additional spraying. Mr. Adams stated the link could be added to the CDD website and The Foundation could be asked to post the link on its website. Ms. DiNardo suggested an e-blast to residents with the CMCD phone number. Mr. Pires suggested using the online reporting system on the CMCD website. He stated there would be no benefit to requesting a refund on the ad valorem tax.

On MOTION by Ms. DiNardo and seconded by Ms. Viegas, with all in favor, returning to the original mosquito control treatment schedule for 2022, was approved.

With regard to the traffic signal agreement, Mr. Pires recalled that, at the last meeting, he advised that he would not participate in anything related to the matter because of the conflict between CDD #1 and CDD #2. He stated he was copied on an email and requested that Mr. Parisi exclude him from any communications. Mr. Miller explained that the issue was that CDD #2 has an agreement with Halvorsen whereby the CDD #2 would receive \$200,000 and the CDD #1 Board suddenly decided they wanted a share of CDD #2's money coming from Halvorsen. CDD#2's position is that CDD #1 has no entitlement.

II. NEXT MEETING DATE: December 8, 2021 at 10:00 A.M., at Fiddler's Creek Club and Spa

○ **QUORUM CHECK**

The next meeting would be held on December 8, 2021.

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

The Monthly Status Report was emailed to the Board and provided as a handout.

Mrs. Adams distributed an email communication regarding the Fiddler's Creek fire hydrant locations. Mr. Albeit was copied on the emails and he would take the lead on the issue, as most of the hydrants are on HOA property and not the CDD's responsibility.

Mr. Miller asked how many of the hydrants in CDD #2 need to be painted. Mrs. Adams believed that every hydrant could benefit from being repainted.

Ms. DiNardo stated that the repainting does not need to be done immediately, it just needs to be scheduled. Mrs. Adams noted that, per the email, the hydrants would be addressed in the first quarter of 2022. The photographs were submitted and very much appreciated.

Mrs. Adams provided an update regarding communications with Florida Power & Light (FPL) about the transformer boxes. Ms. DiNardo's photographs and information about the FPL transformer boxes was submitted to the FPL contact, who was getting overwhelmed with different projects. Unfortunately, one photograph of a Sprint utility box was sent in error. Ms. Viegas assisted in identifying transformer boxes because, when requests for repairs are submitted, a picture of the transformer box, the number on the transformer box and an address if available must be included. Some of the pictures Ms. DiNardo provided did not include numbers so Ms. Viegas assisted Mrs. Adams with each of the FPL boxes and the transformer information on the boxes. One box that was previously reported was in horrific shape and would likely be repaired in November. Upon inspection and photographing, some boxes that were reported showed only minor rust and might not warrant repair, but the report would be submitted. The two transformers reported by Mr. Klug and Ms. Viegas were very damaged and would likely be repaired by the end of November.

Ms. DiNardo felt that there should be a commitment of how FPL would maintain the boxes in the community which is 20 years old. Mrs. Adams stated the FPL Engineering Department committed to repairing the two most damaged boxes by the end of November.

Mr. Miller asked if rust can impact the performance of a transformer. Mrs. Adams stated it depends on where the rust is; a hole could allow water to enter the box, but a tiny chip would not justify a service call.

Mr. Miller felt that maintaining the boxes is in FPL's best interest as well because, if a transformer stops working and there is a power loss, FPL must come out immediately. Mrs. Adams agreed.

Ms. DiNardo voiced her opinion that there should be a program and noted that residents expect the community to be maintained to a high standard. Mrs. Adams suggested waiting to see how FPL does and having Mr. Pires send a letter if there is a deficiency. Mr. Miller stated that a copy could be sent to the State Public Utility Commission.

Ms. Viegas recalled that the FPL technician advised that FPL is having supply chain issues, which is why FPL indicated that the boxes would hopefully be repaired by late November. Mrs. Adams stated that all vendors are experiencing such issues. Mr. Miller expressed concern about a possible outage due to a transformer malfunction.

Ms. Viegas stated the boxes that she and Mr. Klug documented on Sandpiper Drive and in Aviamar had rust on the doors and, given the rust on the doors and at the seal, she questioned whether the boxes could be opened. Other boxes she photographed recently had less significant rust. Mr. Miller asked what would happen in the event of an outage, given the unavailability of parts. Ms. Viegas believed the outside boxes need to be replaced and noted that it was impossible to see the inside of the boxes. She rode all around Campanile Circle and looked at many FPL transformer boxes, and estimated that 80% were in pristine condition and looked brand new. The two worst that she saw were documented. The one at the Veneta fountain behind a big bush had a lot of rust but the doors looked okay; the outside box was rusting but the inside of the box was likely fine.

Mr. Pires stated the Public Service Commission website allows complaints to be filed by telephone, email, or through an online form. He suggested sending photographs of the transformers, with attachments, to the email address and/or via the online form. He would email the website link to Mrs. Adams and Mr. Adams.

TWELFTH ORDER OF BUSINESS**Supervisors' Requests**

Mr. Klug asked Mrs. Adams to look at the bench that was installed on Campanile Circle because there is a large mold patch beneath the bench. Mrs. Adams stated she would email The Foundation and ask that all benches and the slabs underneath be pressure cleaned.

THIRTEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

FOURTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 10:54 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair