

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 April 27, 2022 at 10:00 a.m., at the Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114. Members of the public were able to listen and participate at 1-888-354-0094, Participant Passcode: 709 724 7992.

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	District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Joe Parisi	Developer's Counsel
Valerie Lord	Foundation Counsel
Ron Albeit	Foundation General Manager
Todd Lux	Fiddler's Creek Director of Facilities
Ed Jasiecki	Fiddler's Creek Director of Safety
Richard Renaud	Fiddler's Creek Security
Laurence Glasberg	Resident
John Dillon	Resident
Michael Buck	Resident
Nat Pappagallo	Resident
Steve Schwartz	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

Resident Laurence Glasberg asked for the status of an exposed drainage pipe across the lake behind his home. He estimated 10' of pipe is exposed above ground and stated he inquired about it several times.

Mr. Miller acknowledged that many issues exist with drainage pipes.

Mrs. Adams stated she has been working with Mr. Cole to address the issues.

Mr. Cole stated these pipes are not from roadways; the pipes are from yard drains, pool overflows and downspouts that were improperly installed by the homeowner and/or the builder. These issues have been discussed in numerous CDD meetings for many years. The pipe needs to be extended further down the lake bank; it is within the CDD lake tract. He reiterated that the pipe was installed by the homeowner or the builder and not the CDD. He noted that, while the inspector did not survey the entire lake, a brief inspection found three or four similar pipes on that lake. Mr. Cole predicted there could be dozens of other pipes with a similar condition.

Mr. Klug asked what needs to be done to correct the problem. Mr. Cole stated the pipe needs to be extended 8' to 10' further into the lake. He obtained proposals for similar issues in another CDD, and the costs ranged from \$1,500 to \$2,000.

Mr. Glasberg believed the builder of his home was Lennar. He asked if this is an endemic issue and if there is an oversight function the CDD should exercise to ensure pipes are properly installed on CDD property. Mr. Miller stated the assumption is that the builder knows what they are doing. He noted that this issue is not very expensive to cure. He expressed his opinion that the entity that caused the problem should be the one to cure it. He wondered if there is still an active relationship between the Homeowner's Association (HOA) and the builder.

Mr. Klug noted that, once construction is completed, the County inspects the home and issues a Certificate of Occupancy (CO). He asked Mr. Pires if the builder is then absolved from any further liability with respect to issues arising from construction. Mr. Pires stated the County does not provide a warrant to the property owner. In his opinion, the builder is not absolved from further liability. The County issues a CO based upon its rules and regulations.

Mr. Klug asked if this is a case where the responsibility for fixing the problem passes to the CDD. Mr. Pires asked if it is a CDD facility. Mr. Cole stated it is not a CDD facility but the pipe discharges into a CDD facility. Mr. Pires asked if the facility at issue that was allegedly installed improperly is not a CDD facility. Mr. Cole stated that is correct.

Mr. Miller stated he does not believe the CDD has liability. He felt that the question is what should be done about it. He asked if the CDD should gratuitously expend \$1,800 to fix it, just to be nice, and have the goodwill of the residents, or if homeowners should make a claim against the builder.

Mr. Pires voiced his opinion that, if the facility is not owned by or conveyed to the CDD, it could be problematic. In some communities the CDD does not accept pipes of certain sizes; rather, the smaller drainage pipes are part of the HOA's responsibility, as opposed to the backbone of the drainage system.

Mr. Miller felt that the question is whether the HOA should make a claim against the builder. Mr. Glasberg asked if it is the CDD's responsibility to remedy the problem if the problem is on CDD property. He acknowledged that if he does something on his property it is his responsibility. Mr. Pires asked if the problem is on CDD property or a CDD facility.

Mr. Cole stated the problem originated from a non-CDD facility discharging into a CDD facility. In his opinion, the pipes should have been extended. He stated that these pipes were buried to a point, and they are better than most of the pipes he has seen. It is currently almost the lowest point of the dry season, and these pipes would not normally be seen. When the County inspected this house, the water could have been 2' higher than it is now and this problem would not have been seen. Some other CDDs have tried to seek a remedy from the builders with some success but not in most instances; most ended up leaving the pipes as they are or expending money to fix them themselves.

Mr. Miller asked on what basis others failed when a claim was made against the builder. Mr. Cole stated when the County inspects, it is unlikely that they inspect a pipe that is under water discharging into the lake; the County inspects the house and the grading.

Mr. Miller asked why CDD claims against builders fail. Mr. Cole stated claims fail because the CDD tires of battling with the builder. Mr. Parisi stated that issues noted in other communities include homeowners doing their own installations without seeking approval from The Foundation or their HOA. He stated there are drain lines in many different places, including beside and behind homes and going into the lake. He felt that it is difficult to determine whether this is a builder, Developer, or homeowner issue. He has been reviewing these issues in Oyster Harbor and Marsh Cove.

Ms. DiNardo recalled Mr. Cole stating this is only visible during an excessive dry season. In her opinion, this is a partial, temporary problem limited to the extreme dry season, and the drought, but it is not an issue during rainy season. Mr. Miller noted the rainy season is during the summer when many people are away, but the dry season is when most people are here.

Ms. DiNardo asked if geotubes for erosion cover those pipes. Mr. Cole stated sometimes they do, but there are not that many of them. Ms. DiNardo thought this issue could also be addressed when treating normal lake erosion in multiple phases.

Resident Michael Buck noted the same issue in Chiasso, when they installed irrigation filters. The contractor covered the pipes with stones. Mr. Miller thought that is a good solution and questioned who would pay for that solution.

Mr. Glasberg stated he has lived in the CDD for two years and, based on his observations, the pipe is exposed for six months of the year. In his opinion, the solution is to bury the pipe with riprap, which should not cost \$1,800. Mr. Miller asked if he addressed this with the HOA. Mr. Glasberg stated he did not because the pipe is on CDD property; therefore, he thought the CDD was the proper entity.

Mr. Klug stated the CDD is dealing with a potential precedent if an exception is made to address this resident's problem. The consensus was that this is true. Mr. Miller recalled Mr. Cole reporting that there are a number of similar instances.

Ms. DiNardo voiced her opinion that this issue should be addressed for future homes built.

Mr. Miller felt that the options are to fix it or make a claim against the builder.

Mr. Klug wanted Mr. Pires' opinion before making a decision.

Mr. Pires requested additional clarity regarding if it is a CDD facility or a CDD pipe. Mr. Cole stated it is not a CDD pipe. Mr. Miller stated the builder or homeowner installed the pipe on CDD property. Mr. Pires asked if the CDD received a Bill of Sale or a document of transfer for the pipe. Mr. Cole stated neither were received. Mr. Pires stated the CDD does not own the pipe.

Mr. Miller stated the CDD is dealing with a pipe installed on CDD property by somebody else, but the pipe does not belong to the CDD. Mr. Pires asked if the pipes were indicated or listed in the plans approved by Collier County. Mr. Cole stated, typically, they are not. Mr. Pires stated, with regard to an unpermitted pipe not acquired by the CDD, he would say the CDD

does not have any obligation, and if the CDD were to address it, it would be taking on a duty when the CDD has no duty. There is also a practical, if not a legal precedent, for any others similarly situated to come to the CDD.

Mr. Miller stated the problem, if the CDD were to address the issue, is that the pipes were installed by the homeowner or the builder; therefore, the CDD would expose itself to numerous other claims or requests. He suggested Mr. Glasberg present this to his HOA and have his HOA make a claim against whomever installed the pipe, whether it was the homeowner or the builder.

Ms. DiNardo recommended Mr. Glasberg pursue all other channels, this it is not a CDD issue. Mr. Glasberg reiterated his concern that the pipe is on CDD property, and it is visible six months of the year. Mr. Glasberg reiterated his opinion that the pipe was improperly installed. Mr. Miller stated the pipe was not installed by the CDD, so, technically, the CDD could declare it as trespassing and have it removed. Mr. Glasberg asked if the CDD has oversight regarding its property. Mr. Miller stated the CDD does not inspect when homes are constructed. Mr. Glasberg asked if the lakes are periodically inspected. Ms. DiNardo stated the lakes are inspected to maintain year-round water quality and beautiful views. Erosion control is coordinated with the engineers with technical knowledge of that.

Mr. Glasberg suggested the CDD implement a policy requiring anyone working on CDD property, including installing drainage pipes, obtain CDD permission and that the CDD have an inspection by an engineer. Mr. Miller stated that is the law; CDD property has been trespassed on, but it is not practical to inspect every home being built.

Mr. Klug asked if the CDD can send a letter to Lennar, if they were the builder, stating that Lennar trespassed on CDD property and created a problem, so Lennar needs to address it.

Mr. Pires asked if the CDD owns the land fee simple or by easement. Mr. Cole believed it is owned fee simple by the CDD. Mr. Pires stated, if that is the case, the CDD can ask Lennar to correct the trespass and they will remove the pipe. In order to ask Lennar to install riprap, an easement would be required, and the CDD would have to accept it in perpetuity; however, the County does not permit riprap. Mr. Cole stated, in his experience the County never required a substantial drain for a yard drain coming from a roof downspout. Mr. Pires asked if the County is concerned about direct discharges. Mr. Cole did not believe so and stated there are thousands of these in the County.

Whether the CDD wants the trespass cured, whether Lennar would remove the pipe, or whether the homeowner would remove the pipe and pursue Lennar for payment was discussed. The consensus was that removing the pipe would create numerous other problems.

Mr. Miller stated he is very sympathetic to the issue, and suggested Mr. Glasberg address it with his HOA. The CDD would be happy to speak with the HOA President, explain the issues, and provide the solutions Mr. Cole described.

Resident John Dillon asked for additional landscaping to be added to a grassy area between the back of his home and Sandpiper. He would like trees or bushes to break up the open area. Mr. Miller stated it could be done but wondered who would pay for it. Mr. Klug raised the issue of setting a precedent, and noted that, if the CDD pays for additional landscaping, others will request the same.

Resident Michael Buck raised more irrigation concerns as a continuation to his presentation at the last meeting. He researched alternate backup plans for irrigation water conservation techniques. He mentioned a Plan B in which a pipe was run, in 2005, down Fiddler's Creek Parkway to US41, at Collier County's request. The County never crossed US41 to connect the pipe because there was no population to use that water. A 22" main was installed and the water was sent to North Naples. The plant is in the southern area, but the wastewater is delivered north so the CDD does not have many alternatives. He investigated another old County plan, known as the Picayune Strand, that had too much water in one section, in late 2021. He believed they were approached by the Army Corps of Engineers (ACOE) because they applied for a permit. The ACOE suggested installing more monitors in the area to gauge the impact on groundwater.

Mr. Miller asked if this was part of the project for which the CDD Boards had a presentation a year ago. Mr. Buck asked if he is referring to South Belle Meade, and noted the project has been called as many as five different plans, with South Belle Meade being the most recent.

Mr. Pires stated that the application by the County to the South Florida Water Management District (SFWMD) for the Comprehensive Watershed Plan was withdrawn with no explanation.

Mr. Buck stated a lot was spent and a lot of infrastructure work was done. He discussed the location and characteristics of the two main canals and noted that the CDD would receive

more water from the feeder swale across from the CDD. He discussed water flows, and things that can be done to keep irrigation flowing.

Mr. Buck distributed a handout that asked for a system of remote monitoring points, automatic real time alerts when pressure drops below a specified point, installing one-way uplink soil moisture sensors, and advising the villages to change existing sprinklers with more efficient sprinklers. He thought that much of this is already underway with the new irrigation plan, but that the work should be fast-tracked.

Mr. Miller recalled Mr. Buck raised many of the same points at the last meeting. He asked Mr. Buck if he met with Mr. Lux, Mr. Cole, or Mr. Jody Benet. Mr. Buck claimed there is a "gag order" so none of them would speak with him. Mr. Cole said he was not contacted. Mr. Lux said he did not understand what Mr. Buck was asking, and Mr. Benet is not a decision maker. Mr. Miller asked Mr. Lux and Mr. Cole to meet with Mr. Buck following the meeting.

Mr. Miller stated he requested a preliminary draft of the Annual Audit to review in advance, and the last he knew, Mrs. Adams contacted Mr. Pinder. Mrs. Adams stated she has not received a response from Mr. Pinder. Mr. Miller voiced his opinion that it is very important to see a draft before speaking with the auditors. Mrs. Adams agreed. Mr. Adams stated he will contact Mr. Pinder. The Board will receive a draft when Mr. Pinder provides it.

Mr. Miller recalled that, at the last meeting, LandCare was given 30 days' notice, and Mrs. Adams was going to meet with LandCare to recommend a resolution. He asked Mrs. Adams to discuss the meeting and give her opinion. Mrs. Adams stated she met with Mr. Bretz and there are still many concerns. Mr. Bretz has been the Branch Manager for about a year and a half. She and Mr. Bretz did a very thorough review and, in her opinion, the property is still not satisfactory; the turf is not as green as it should be. Some areas are pretty good, but some are not. The bougainvilleas are very disappointing, especially in the median in front of Veneta. She asked if soil samples were taken to determine the problem, and Mr. Bretz indicated that samples were not taken. They surveyed numerous things and the work is not getting done.

Mr. Miller asked if Mr. Bretz is aware of the 30 days' notice. Mrs. Adams replied affirmatively; she sent a Defective Work Notice, as required in the contract. Mr. Miller asked if attempts were made to remedy the situation. Mrs. Adams stated Mr. Bretz said he is doing the best he can. Mr. Miller asked if Mr. Bretz's best is unacceptable. Mrs. Adams replied affirmatively.

Mr. Klug asked if Mrs. Adams' recommendation is to terminate LandCare. Mrs. Adams replied affirmatively. Mr. Miller recalled issues with LandCare for years, and the CDD withheld payments from them in the past. He asked if Mrs. Adams is suggesting GulfScapes or a third party as an alternative. He noted the lack of other contractors in the area and noted that the only two firms that bid were LandCare and Gulfscapes. He asked if Mrs. Adams is suggesting terminating the Agreement with LandCare and giving the whole project to GulfScapes. Each Board Member was asked for their opinion. Each member recommended terminating LandCare and hiring GulfScapes and discussed their reasons.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, terminating LandCare and hiring GulfScapes for all Fiddler's Creek CDD #2 landscaping, was approved.

Mr. Miller asked Mrs. Adams to prepare the Termination Notice. He expressed concern that, if GulfScapes is not able to adequately manage landscaping for the entire CDD there will be a serious issue because no one else will bid. Mr. Parisi believed that CDD #1 is coordinating a meeting with LandCare. Mr. Miller stated that was already done in CDD #2.

Ms. DiNardo felt that eliminating LandCare may give other companies incentive to bid.

THIRD ORDER OF BUSINESS

Health, Safety and Environment Report

A. Irrigation and Pressure Washing Efforts: *Todd Lux*

Mr. Lux stated his department is responsible for tree canopy trimming, pressure washing sidewalks and curbs, and ensuring the operational side of irrigation at the satellite control. He reported the following:

- Tree Canopy Trimming: No arbor work occurred in CDD #2 during April. Hardwoods are scheduled for trimming in May.
- Irrigation Projected Usage: As requested, a slide was added to give an overview of irrigation. Irrigation is managed by 20 programmable satellites within the villages that run on Monday, Wednesday and Saturday from 9:00 p.m. until 4:00 a.m. Irrigation may be observed during later hours due to irrigation wet checks or growing plans for new plants. Last month, 13 watering cycles were completed, with zero rain holds. Approximately 12.5 million gallons of

water was used in March. CDD #2 has nine additional programmable satellites that used approximately 7.5 million gallons in March.

Mrs. Adams stated rain is needed. Ms. DiNardo noted the CDD does not pay for water.

- Pressure Washing: The new machine is still in the shop being custom-built due to difficulty obtaining the aluminum parts. The current estimate is that it will be in operation in mid-May. The original machine is still operational and in use. Crews are currently working on Championship Drive. In the next 30 days, crews would proceed to Veneta and the surrounding communities, and then on to Amaranda and the surrounding communities.
- Current Month Projected Plan: Areas in red on the graphic were completed, including sidewalks, signs, and curbs. Areas in green represented the current month's cleaning, and yellow areas are scheduled for the next 30 days. Pressure washing would continue in CDD #2 until late November, when the annual cycle begins again.

Mr. Klug noted that park benches have mold underneath the seating areas and asked if separate arrangements are needed for those areas. Mr. Lux stated, when crews are in the area, everything is cleaned, including signs, buildings, bridges, monuments, and seating. By agreement, everything is cleaned once per year, and additional areas reported are worked in when he is advised of an issue.

Mr. Nuzzo asked if any villages are not on the satellite system. Mr. Lux believed there are 26 satellites that are not on the programmable system; he would have to research the locations, but thought they are new villages still under development. Mr. Nuzzo asked about Oyster Harbor. Mr. Lux believed those are still under the Developer; he would investigate further. Mr. Nuzzo thought some homes in Oyster Harbor are still on manual timers that cause flooding. Mr. Nuzzo asked Mr. Lux to research it and email a response.

Resident Nat Pappagallo asked if the 20 million gallons of water used is only what is measured by programmable satellites, or if it includes those not online. Mr. Lux stated it only measures the satellites they program. Mr. Pappagallo voiced his opinion that there is more consumption than what is shown on the slide. Mr. Lux stated that Satellite #59 used 737,604 programmed watering gallons, as limited by County code. Mr. Miller asked Mr. Lux to copy the Board on the email to Mr. Nuzzo regarding Oyster Harbor.

B. Security and Safety Update: *Ed Jasiecki*

Mr. Jasiecki gave the monthly PowerPoint presentation and discussed the following:

- The automated gatehouse can be reached at 239-529-4139, to register guests and vendors.
- The safety@fiddlerscreek.com email address is the preferred method of communication for questions, concerns, and visitor registration. Emails are monitored by all three gatehouses and supervisors 24 hours a day, 7 days a week, and they are generally quick to respond.
- Community Patrol staff are not first responders. In an emergency, 911 should be called first, followed by calling the Community Patrol, who will respond and assist as needed.
- Occupancy Report: February and March occupancy was between 82% and 88%. April numbers are not yet calculated, but a seasonal decrease in occupancy is anticipated.
- Gate Access: All gates are operational, manned 24 hours a day, seven days a week. Two road patrols respond to calls 24 hours a day, seven days a week.

Mr. Miller asked if each road patrol is assigned to a specific CDD. Mr. Jasiecki stated it is not set up that way, but he could do it that way. Mr. Miller felt that it is important for each CDD to have a dedicated patrol, and asked Mr. Jasiecki to set up one car for each CDD on a regular basis.

- Gate Access: In February approximately 28,000 vehicles entered. March access increased to approximately 40,000 for the three gatehouses. A decrease was anticipated going forward.

Mr. Klug asked why access would go up and occupancy go down. Mr. Jasiecki stated there were many reasons that may be the cause.

Mr. Miller stated he observed a lot more golf carts going slowly and inhibiting traffic. He asked if patrols make sure the golf carts have license plates. Mr. Jasiecki replied affirmatively; flyers and brochures are available in the patrol vehicles stating that vehicles must be properly registered, insured, and drivers must be over 16, with a valid license. There have only been a few unregistered vehicles; once owners understand, they have been cooperative.

Mr. Nuzzo noted a golf cart with an out-of-state license plate that is tied to the side of the cart. Mr. Jasiecki stated he will advise his staff to watch out for it.

- The Publix gate is still not fully operational due to an electrical conduit issue. A definitive date of when it will be operational is not known.

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

Mr. Pires stated he finalized and forwarded the Draft Settlement Agreement and the Draft Mutual Release to the Taylor Morrison (TM) attorney. TM's attorney found the documents acceptable but wants to include a release of all remaining issues in Oyster Harbor. Mr. Pires stated he requested a list of outstanding issues from Mr. Cole and he received numerous emails describing valley gutter and lake erosion issues.

Mr. Cole stated that many different valley gutter issues were corrected within the last year. GradyMinor, the engineer of record, conducted a Collier County inspection for final subdivision acceptance after the second lift of asphalt, within the last couple of months. Some valley gutter issues requiring correction were found. TM needs to fix those items, after which, the County would grant final acceptance. Mr. Pires was alluding that the CDD cannot fully release TM until TM receives final County acceptance.

Mr. Pires will notify TM's attorney about the items that still need to be resolved.

Mr. Miller stated his reluctance to include a release of anything other than known issues because of possible unknown open items. Mr. Pires agreed; he felt that the easiest way to address it is to acknowledge that some corrections were made in Oyster Harbor last year, but that community has other issues.

Mr. Parisi suggested tailoring and limiting the release to Amador because they also have issues in Oyster Harbor.

Mr. Pires stated the release was limited to Amador. He would advise TM's attorney that Oyster Harbor is still open because there are more issues that need to be resolved. Mr. Miller stated the more he learns about Oyster Harbor the more concerned he is about any release.

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

Mr. Parisi reported the following:

- The conduit from the Sandpiper gatehouse to the Publix gate cannot be found, which is why the gate is not operational. More pipes will be run to bring power and data equipment from the gatehouse to the Publix gate. Publix has not taken issue with this; it is hoped that the gate will be operational within two weeks. Directional boring will not interfere with traffic.

- Construction preparation commenced on the golf clubhouse in the back of Marsh Cove. Roadwork and utility work are beginning, silt fencing is up, landscaping is being removed, and dirt piles are being moved. A lake will be dug between the golf course and the new village, Hidden Cove; the lake will be connected to the lake behind Cranberry Crossing. This will increase available water for the golf course. The Site Development Plan (SDP) was filed with the County and it was hoped that the golf course and clubhouse plans will be in for permitting this month. Construction on the clubhouse facility might begin in July, and it is projected to open the end of 2023 or early 2024, depending on deliverables. Irrigation of the golf course is being redone and reviewed by several different groups, including the original golf course architect and Troon.
- Mr. Parisi thanked Mr. Cole for his help getting stop signs installed at Sandpiper, near the Publix entrance and the Sandpiper gatehouse.

SIXTH ORDER OF BUSINESS**Engineer's Report: *Hole Montes, Inc.*****A. Discussion: Status of Collier County's Availability of RIQ Water**

Mr. Cole stated that RIQ water is not available; this issue will be discussed with Mr. Buck and Mr. Lux following the meeting.

B. Consideration of Juniper Landscaping and LandCare Proposals for Ficus Removal on Lots 4 – 7

Mr. Cole stated he requested proposals from both companies. Juniper Landscaping (Juniper) submitted a proposal, but LandCare did not. He recalled presenting proposals the month before and reviewed the long history of the missing swale in the back of Amador. GulfScapes' proposals total approximately \$118,000. Juniper bid approximately \$80,000, which includes drainage work to install a swale within Lots 1, 2 and 3, removal of the Ficus hedge, and replacement with Clusia for the entire length, as discussed in detail last month.

Mr. Miller asked how much of the \$71,000 settlement will be available, after legal and engineering expenses, if the \$80,000 Juniper proposal is accepted. Mr. Cole thought the legal and engineering fees amount to \$16,000.

Mr. Pires believed GulfScapes' proposal of about \$56,000 included yard drain relocation, regrading, and work on Lots 1, 2 and 3.

Mr. Cole estimated \$56,000 of the \$71,000 would go toward the work to be done by Juniper; the CDD would need to contribute \$24,000. Mr. Adams stated \$5,000 is available in Contingency; that, along with the remaining landscape improvement budget funds, would be just enough to cover the \$24,000.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, the Juniper Landscaping Proposal for Ficus Removal on Lots 4 – 7, in a not-to-exceed amount of \$80,000, was approved.

Resident Steve Schwartz, who owns the home on Lot 1, wanted to know the logistics and timing of the work to be done.

Mr. Pires stated he hopes to finalize the TM Settlement Agreement matter at the May meeting, if TM agrees to the settlement and the release for Amador. If TM responds favorably, the License Agreements will be available for the homeowners to sign at that time.

Mr. Cole reported the following:

- The irrigation pumphouse roof repairs were completed.
- The landscape wall repairs were completed.
- The CDD #2 Boundary Revisions were approved by the County on March 22, 2022; final approval is contingent upon State approval on CDD #1's side, which is expected in early May. CDD #1 already went before the Florida Land and Water Adjudicatory Commission (FLWAC) and there were no issues; the final resolution must wait a specified time following the final hearing.
- The Stormwater Analysis is in progress.
- The pre-design meeting with the Florida Department of Transportation (FDOT) for the traffic light was held last week. The variance for the turn lane was discussed. FDOT agreed it will not have to be changed; an application for the variance in the turn lane lengths will be submitted and no issues are anticipated. The signal design is underway, and a timeline might be available for the next meeting. Prices are still based on pre-inflation numbers; until it goes to bid, it will be necessary to plan conservatively. Soil tests are being done as part of the process. Design and permitting are estimated to take nine months.

Ms. Viegas asked when the work on the Aviamar land bridge will begin. Mr. Cole stated it is underway; he has pictures showing work being done yesterday.

Ms. Viegas asked about the Generac generator discussed at the last meeting. Mr. Cole stated he received many of these requests and he could not locate an outstanding request. Mr. Pires believed a request submitted turned out not to involve an easement. Mr. Pires thought this is a non-issue. Ms. Viegas recalled the discussion at the last meeting and that it was reflected in the minutes as an issue.

SEVENTH ORDER OF BUSINESS**Consideration of SOLitude Lake Management, LLC Change Order No. 1 for Lake and Wetland Maintenance**

Mrs. Adams presented SOLitude Lake Management, LLC Change Order No. 1 for Lake and Wetland Maintenance.

Mr. Miller asked why the price is increasing, and when the last price increase was requested. Mrs. Adams stated the only time the price increased in the past was when new lakes were added; the prices have been consistent.

Mr. Klug asked if the contract allows SOLitude to ask for an increase and asked if there is an inflation clause. Mrs. Adams stated this increase was requested due to inflation and rising chemical and labor costs. Mrs. Adams noted the contract runs through December 31, 2023; however, both the contractor and the CDD have the ability to cancel it with 30 days' notice.

Ms. DiNardo asked if the contract includes an inflation adjustment. Mrs. Adams stated it does not. Mr. Miller stated the contract has a cancellation clause. He voiced his opinion that the real decision is whether the Board and Staff want to hire another lake contractor.

Mr. Adams recalled an example shared in the CDD #1 meeting and noted that the grass spray chemicals have tripled in price in the last six to eight months.

Ms. DiNardo asked if the CDD would be faced with similar requests from other vendors. Mr. Adams stated the landscapers have not raised their rates, but this vendor is impacted by labor, fuel, and chemical costs. The consensus was that SOLitude does a good job.

Ms. Viegas asked for clarification of the term of the increase shown on the documents. Mrs. Adams stated that she crossed out an incorrect date; any necessary corrections would be made on the exhibit to the existing contract.

Mr. Adams stated the Change Order would also be revised to state that all existing provisions and conditions of the contract remain in full force and effect.

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, SOLitude Lake Management, LLC Change Order No. 1 for Lake and Wetland Maintenance, revised as discussed, was approved.

EIGHTH ORDER OF BUSINESS**Consideration of GulfScapes Proposal #3296 – Oyster Harbor**

This item was tabled. It was agreed to delay this discussion to next year.

NINTH ORDER OF BUSINESS**Update: Status of Petition for Boundary Amendment**

Mr. Pires stated that, per Ms. Silvia Alderman's email, she anticipates the Rule for Final Adoption to be filed the week of May 2, 2022.

Mr. Miller asked if CDD #2 is already approved by the County and waiting for the State to approve CDD #1. Mr. Pires replied affirmatively. He stated that CDD #2's part is done with the County, for now; at the appropriate time, a Notice of Establishment would be filed so the Ordinance becomes effective.

TENTH ORDER OF BUSINESS**Update: Status of IberiaBank Term Sheet for Revolving Line of Credit (Renewal)**

Mr. Adams stated that his contact at First Horizon advised that they are still working on the documents. He stated that the entire process has been slow because it is new to First Horizon's staff. Mr. Pires stated the change of ownership contributed to the delay.

Ms. DiNardo noted the agenda title for this order of business should read "First Horizon" as the CDD is no longer working with IberiaBank.

ELEVENTH ORDER OF BUSINESS**Continued Discussion: Consideration of Acceptance of Deeds for Fee Simple Ownership of Various Landscape/Buffer Tracts Within Fiddler's Creek CDD #2**

Mr. Pires stated he discussed this with the Chair before the meeting. He would like to discuss this further after the meeting to alleviate his concerns.

This item was tabled.

TWELFTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of March 31, 2022**

Mrs. Adams distributed the Financial Highlights Report. Ms. DiNardo asked about the annual district filing fee.

The financials were accepted.

THIRTEENTH ORDER OF BUSINESS**Approval of March 23, 2022 Regular Meeting Minutes**

Mrs. Adams presented the March 23, 2022 Regular Meeting Minutes.

The following changes were made:

Line 80: Insert “are” after “there”

Line 122: Delete the comma after “custom-built”

Line 301: Add “the” before “Florida”

Line 444: Change “pumphouses” to “pumphouse”

Line 506: Delete the space before the period after “water”

On MOTION by Mr. Klug and seconded by Ms. DiNardo, with all in favor, the March 23, 2022 Regular Meeting Minutes, as amended, were approved.

- **Action/Agenda or Completed Items**

The items listed below were taken from Mrs. Adams meeting notes.

Items 18, 19 and 20 were completed.

Item 24: Change “IQ” to “RIQ”

FOURTEENTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: *Woodward, Pires and Lombardo, P.A.***

Mr. Pires stated that, per Mr. Schmitt in the CDD #1 meeting, the Manatee Park affordable housing issue may come up again. Mr. Miller stated he was contacted by the County and a community member was contacted regarding changes with the zoning rules on US41,

from Airport Road down 26 miles. He and Mr. Parisi attended a meeting regarding a new development plan to upgrade commercial properties, and nobody mentioned anything about Manatee Park. Mr. Pires stated Mr. Schmitt specifically mentioned it today.

Mr. Pires stated he was asked about the impact of the legislation signed involving certain Special Districts in Florida, most notably the Reedy Creek Improvement District, which is Disney. That legislation only affects five or six Special Districts established prior to 1968, so it does not affect this CDD at all.

Ms. Viegas asked about the letter to Stewart Carter regarding the dead palms in Amaranda. Mr. Pires stated the letter will be sent this week.

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

I. 1,273 Registered Voters in District as of April 15, 2022

II. NEXT MEETING DATE: May 25, 2022 at 10:00 A.M.

○ QUORUM CHECK

The next meeting would be held on May 25, 2022.

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

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

Mrs. Adams stated the fire hydrants were painted with the wrong color of yellow so they would be repainted.

Ms. Viegas asked if an email would be sent regarding mosquitoes, given that news stories had begun. This item would be discussed at the next meeting.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 11:42 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

April 27, 2022

Kandise Whysor
Secretary/Assistant Secretary


Chair/Vice Chair