

**MINUTES OF MEETING
FIDDLER’S CREEK COMMUNITY DEVELOPMENT DISTRICT #2**

The Board of Supervisors of the Fiddler’s Creek Community Development District #2 held a Regular Meeting on October 25, 2023 at 10:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present were:

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
Aaron Haak	Fiddler’s Creek Deputy General Counsel
Terry Cole	District Engineer
Joe Parisi	Developer’s Representative
Jon Phillips	Director, Foundation Operations
Valerie Lord	Foundation Representative
Ryan Hennessey	Fiddler’s Creek Director of Community Services
Jody Benet	Fiddler’s Creek Irrigation Manager
Andy Nott	Superior Waterway Services, Inc.
Mike Barrow	GulfScapes Landscape Management
Michael Laurence	Resident
Cesare Turrin	Resident
Shannon Benedetti	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 10:00 a.m. Supervisors Nuzzo, DiNardo, Viegas and Klug were present. Supervisor Miller was not present.

SECOND ORDER OF BUSINESS

Public Comments: Non-Agenda Items (3 minutes per speaker)

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

No members of the public spoke.

THIRD ORDER OF BUSINESS

Continued Discussion: Claim Against Fiddler's Creek CDD #1 Regarding Anticipatory Breach of Interlocal Agreement [Traffic Signal Cost Sharing]

This item was tabled to the next meeting.

Ms. Viegas stated that \$15,364.70 has been spent on the litigation for work through August 29, 2023.

FOURTH ORDER OF BUSINESS

Update: Superior Waterway Services, Inc. Cleanup Report (Andy Nott)

Mr. Nott noted the following:

- Lake Technicians: 10 visits and two crew days occurred in the last eight weeks.
- Additional visits are planned to get the lakes caught up to where they should be. A technician will be on site Friday or Saturday; three technicians will be on site next week and the following week, more than tripling the visits. A trimming and cleanup crew will be on site in November.
- Lake 7, which is one of the worst affected lakes, is scheduled to be treated this week.
- Progress is not as far along as hoped because there was more to do than expected but progress has been made and the total number of technicians is being increased to get the lakes caught up and to bring them into compliance with the specifications of the contract.
- 90% of the work being done is treating torpedo grasses, cattails, and broad leaf weeds. There has been a little algae, floating weeds, and water lettuce in the large canal. Torpedo grass is the most difficult to treat as it was allowed to get out of control and the roots can be very long and strong; treating it is an ongoing process. The majority of the work is cleaning up the littorals and removing the weeds.

Ms. DiNardo asked about the replantings. Mrs. Adams stated any area that might require replanting has not been reviewed yet, other than the areas that SOLitude replanted.

Mr. Nott stated he will inspect the areas that were planted and provide an update at the next meeting.

FIFTH ORDER OF BUSINESS**Health, Safety and Environment Report**

Mr. Hennessey presented the PowerPoint and reported the following:

➤ Tree Canopy Trimming: Juniper trimmed palm trees and hardwoods on Championship Drive and started pruning the palms so that the holiday lights can be installed. Resident complaints about Mahogany and Museo were addressed.

A. Irrigation and Pressure Washing Efforts

➤ Irrigation Projected Usage: Approximately 4.75" of rain was received in September, compared to the average of 8.6". There were three rain holds in the villages and two in the common areas. Just over 55 million gallons of water was used, compared to 34 million used last September, which was lower mainly due to the hurricane last September. Water usage in the villages and common areas does not account for leaks, wet checks, manual runs, battery timers, individual residential timers, and manual Toro clocks.

➤ Irrigation Report: Several blown fuses were reported and addressed. A faceplate and a defective radio were replaced; an invoice in the amount of \$1,173.81 was forwarded to the CDD. A broken antenna post was repaired at no cost to the CDD.

➤ Pressure Washing: Fiddler's Creek Parkway is complete, and the side streets are underway. A caller indicated that some monument signs were not done and needed special attention. All were cleaned. The map will be updated to show the progress.

B. Security and Safety Update

Mr. Hennessey reported the following:

➤ Gate Access Control: Community Patrol's number is 239-919-3705; please call Community Patrol for assistance with Security. In an emergency, 911 should be called first, followed by the Community Patrol. The automated gatehouse number is 239-529-4139.

➤ Occupancy Report: Occupancy increased 3.5% from August to September; the totals are 60% lower than in February, at the height of season.

➤ Gatehouses and Patrols: All three gatehouses are now up and running. The Championship gatehouse opened on October 13, 2023.

➤ Gatehouse Activity: ISN, the software provider, was advised that numbers are down significantly, more than the seasonal issue accounts for. The lower numbers were attributed to the system being set to only check for visitors, not RFID stickers issued to residents. The issue will be addressed to ensure the numbers are accurate.

- Incidents: Parking is the most common incident, with 27 violations in September, as opposed to 150 during the height of season. Residential complaints increased slightly.
- Speed Detection and Enforcement: Portable and fixed speed detection devices are in use; the portable device is deployed at random. Violations decreased from 16 to 10 and none were repeat offenders, so none were referred to the Fining Committee.
- Collier County Sheriff's Office (CCSO) advised that 54 extra patrols were done; there were three alarms, five 911 hangups and 12 traffic stops in September.
- The increased traffic stops aim to ensure that speed limits are obeyed.
- Photos of the renovated Championship gatehouse, included in the agenda, were displayed.

SIXTH ORDER OF BUSINESS

Developer's Report/Update

- **Discussion: Fiddler's Creek Foundation, Inc. Satellite Report [Irrigation Maintenance Agreement]**

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

Mr. Parisi presented the Irrigation Manager's Inspection report following the physical inspection of the CDD's irrigation satellite systems, that was included in the agenda. The report, which includes information relating to each satellite and any issues found, should be done twice a year. When the next report is complete it will be sent to Mrs. Adams for distribution to the Board and Staff.

Ms. Viegas asked Mr. Benet to inform Mr. Barrow of any mulch that builds up in any of the areas. She asked about four of the satellites which had power supplies to be located or installed. Mr. Benet stated that the locations of those power supplies are unknown but they will follow up.

Mr. Parisi stated some of the satellites operate on battery packs; when the Baseline system arrives, the satellites will be changed, and irrigation power issues will be addressed. The cost is to be determined; two Construction Manager candidates are being vetted now. The manager will design and install the system and do all they can to benefit the community, such as possibly including options to combine villages on one satellite, lowering the cost to those villages. Pricing and scheduling will be determined, and information will be shared as it

becomes available. It is hoped that the Construction Manager will be selected before the next meeting.

Mr. Parisi reported and discussed the following:

- Championship Gatehouse: The Championship gatehouse is finished. The warranty documents pertaining to window, roof warranties, etc., will be given to Mrs. Adams so that people know who to call if any issues arise.
- At the last Foundation meeting, an attempt was made to educate people about the processes for CDD and Foundation projects. Usually the concept phase comes first, when it is determined where the project will be on the property, how it fits, what it will look like, etc. Next, the design development phase will include more drawings, engineering, setback and other requirements and cost adjustments. The construction drawings phase is important, as the drawings are used for permitting, bidding, and negotiating with contractors. When a permit or a Site Improvement Plan (SIP) is received, the construction administration phase can begin. When The Foundation manages a project for Gulf Bay Homes, they only charge for employees who are there, they do not charge the CDDs or The Foundation for additional fees or costs.
- Dog Park: The SIP was submitted to the County; approval should be received within the next few weeks. Negotiations with contractors have commenced; the dog park is an \$800,000 project and work will begin when negotiations are complete. Construction projects are now typically 25% to 35% more than expected due to cost increases. This project includes underground piping and roadway work, which are expensive. It is hoped that the project will be completed in January or February 2024; completion depends on when work begins and the project should take three to four months depending on underground findings, fencing needs, etc.
- Gator Grille 2 and the Wellness Center and other projects are in different phases of the process.

Mr. Klug asked if the ground area to be committed to the dog park will include the entire strip from the present terminus of Fiddler's Creek Parkway all the way to 41. Mr. Parisi stated it will not. The dog park ends two or two and a half buildings in from the buildings in Varenna. There is a fenced parking area, an open area, and two fenced areas for dogs: one for small dogs and one for large dogs. Canopy overheads and on-site water for dogs are also provided. The dog park is not that big; it is on the side closest to Creative Lane. The dirt lane on

the other side will be left open for emergency vehicle access, pedestrians, etc. Ultimately, there will be a lineal park that will go around and cover some of the remaining property, with the dog park taking up the first section.

Mr. Klug asked if the remainder of the undeveloped land will continue serving as a dumping and processing area for vegetation removed due to storm damage. Mr. Parisi stated it is used for that now, but they generally try to move debris to property they own at the end of Creative Lane, due to aesthetic issues and the desire to encourage residents to use roadways that they will continually have access to.

Ms. DiNardo asked if the dog park will be open 24-hours a day, seven days a week. Mr. Parisi stated it will not; the hours will be established in consideration of the neighboring community and because the park will not be illuminated at night. They will consult with one of the advisory committees regarding the Rules and Regulations including hours, cleanup measures, etc. The Foundation will provide waste pickup and maintain the area.

- Golf Clubhouse: Estimated completion is on schedule for January or February 2024.

SEVENTH ORDER OF BUSINESS**Engineer's Report/Update: Hole Montes, a Bowman Company**

Mr. Cole distributed Draw #190 for approximately \$1,560 related to the Traffic Signal permitting. This concludes Trebilcock's services. He stated the variance required by The Florida Department of Transportation (FDOT) for some design elements of the signal was approved yesterday. That will allow the permit to be issued, once the contractor has submitted a bond naming the FDOT in the construction bond. Based on what was approved last month, he will proceed with the contractor, at the reduced price they provided, which reflects the cost savings from excluding the conduit. It will likely take one year from now for the traffic signal to become operational.

Ms. DiNardo asked if the threshold was met for the next payment from Halvorsen. Mr. Cole stated, once the permit is in hand, he will provide it to Mr. Parisi so Halvorsen can issue the next payment.

Mr. Cole reported the following:

- Pumphouse #2: The roof is due to be demolished tomorrow and Friday; he will confirm it is done so the pump equipment can be installed on Monday. All architectural drawings were

finally received and will be submitted to the County for the building permit for replacement of the trusses and the new roof. Estimated completion is two to three and a half months, likely January, or February 2024.

➤ Amador Swale Work: Juniper will begin removing the Ficus that were trimmed; then yard drains will be installed, and grading will occur. Juniper will then install new landscaping. Completion is expected by January 2024.

Mr. Pires asked the Board to authorize the Chair or Vice Chair to sign any further extensions of the license agreements needed with the seven property owners impacted, to January 31, 2024.

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, authorizing further extension of the license agreements to January 31, 2024, and authorizing the Chair or Vice Chair to execute, was approved.

EIGHTH ORDER OF BUSINESS

Continued Discussion: Locations of Non-Decorative Street Signs

Mr. Cole stated he received a proposal from Lykins-Signtek (Lykins) late last week. Mr. Cole sent an email to Mrs. Adams outlining the options, who emailed it to the Board, and it was provided as a handout. As previously discussed, numerous pedestrian crosswalk signs are needed within Aviamar. The signs should have been installed when final acceptance from the County was received; it is unknown why they were not on the plans.

Mr. Cole stated signs are required at 17 crosswalks in Aviamar and Veneta. New signs with decorative signposts, at a cost of \$1,665 each, would cost approximately \$28,000. Temporary non-decorative signs, at a cost of \$390 each, would cost approximately \$6,600.

Mr. Cole stated, in addition, 17 existing, temporary non-decorative signs need to be replaced, at a cost of approximately \$28,000. The cost to replace 34 temporary signs and install missing signs totals approximately \$57,000 which is not budgeted.

Asked if the expense should come from construction funds, Mr. Cole noted that Page 15 of the Unaudited Financials shows approximately \$56,000 left in construction funds. That amount is close to the amount needed. This fund was also used to pay the soft costs for the traffic signal, and more soft costs are anticipated. Issuance of the permit is expected soon; CDD

#1 and CDD #2 are funding the work, and monies are due from Halvorsen related to the Agreement with CDD #2. The cost of the traffic signal will be approximately \$1.3 million.

Asked how urgent the sign installation project is, Mr. Cole recommended installing the signs as soon as possible due to the potential liability, given that no signs are presently in place; replacement of the existing signs can be done as a second phase.

Asked if Lykins is the only vendor, given that they are expensive, Mr. Cole stated he is unsure, as Lykins is the only contractor that has done this type of work in the CDD.

Ms. Viegas asked if the Developer will pay for the replacement of any of the temporary signs. Mr. Cole stated he sent the information to Mr. Parisi.

Mr. Parisi discussed the Developer's allocation of construction bond funds to the lands it benefits.

Ms. Viegas stated that means the September meeting minutes are incorrect, as Mr. Parisi stated they would pay for the signs they installed.

Mr. Parisi replied affirmatively and noted that other builders also installed signs; the Developer will not pay to replace the existing signs. He discussed use of construction funds.

Ms. Viegas noted that some of the signs are in construction areas in Aviamar and suggested not doing those until construction is completed.

Discussion ensued regarding construction truck traffic in Aviamar and sign locations.

Mr. Cole stated eight new signs are needed in Aviamar, nine new signs are needed in Veneta, and 17 existing signs in Aviamar and Veneta need to be replaced, for a total of 34 signs.

Mr. Klug asked about the temporary signs that must now be upgraded.

Mr. Parisi discussed the community's site development and the possibility that the Developer might have installed temporary signs during roadway paving.

Mr. Klug implied that, in the final inspection phase of Pulte's Amaranda village, whoever was supposed to inspect was apparently not paying attention to the sign situation, including as to whether the signs are temporary and if they were installed to Fiddler's Creek standards. Mr. Cole stated that, at the time the signs were installed, it was not Hole Montes or the CDD who were involved, it was Grady Minor.

Mr. Parisi stated other things were missed, such as sidewalks, and Mr. Cole caught that and addressed it with Pulte. He noted that temporary signs would have been installed due to the possibility of damage during construction.

Mr. Klug noted that the expense falls on the CDD; Pulte would have no obligation.

Mr. Parisi stated it falls on the Developer, but use of bond funds for it is under the advisement of the District Engineer.

Ms. DiNardo stated the Board was not aware that signs are needed in Aviamar, so this is a new issue to address.

Asked if the final lift of asphalt in Aviamar is done, Mr. Parisi stated his belief is that it was done everywhere except on Dorado Lane, where stains need to be addressed.

Mr. Pires asked if the subdivision improvement bond, which names Collier County as beneficiary, covers everything in the Engineer's estimate of probable cost for all subdivision improvements, including signage. Mr. Cole replied affirmatively. Mr. Pires asked whether the County, if it did not certify the project as complete, could make a claim on the bond and have the Developer do the work. Mr. Cole replied affirmatively.

Mr. Cole was unsure if the County would make a claim about changing temporary signs to antique posts, as the signs are in place now. Asked if the Site Development Plan (SIP) called for decorative signposts, Mr. Cole stated it did not call for all the signs that were installed; most of the signs were not included in the signage plan.

Mr. Klug asked if the signage plan specified the standard required for the signs. Mr. Cole stated he needs to check Grady Minor's plans. Mr. Klug suggested the specifications be checked.

Mr. Pires noted Mr. Cole's belief is that the County-approved SIP did not require all the signs that Mr. Cole believes are required by the Manual on Uniform Traffic Control Devices (MUTCD), which is the gold standard for roadway and street design. Failure to comply with the MUTCD opens the CDD to exposure to liability.

Mr. Klug asked if that primarily applies to sign location and not standards. Mr. Pires replied affirmatively; the MUTCD applies to location and requirements. Mr. Klug asked if a specification regarding the quality of signs to ultimately be installed should be added to prevent these issues in the future.

Ms. DiNardo asked if something should have been included in the Master Plan. She noted that the decorative signs were installed and that CDD #1 is older than CDD #2, so some standards must have been presented in the planning.

Mr. Parisi stated this is not the first community they developed. Ultimately, uniform signage is installed throughout the community; construction is ongoing in numerous areas and several areas still have temporary signs, which is not unique. Signage comes out of the bond money, which is not unique. He voiced his opinion that using bond funds for the traffic signal is unique and stated he will ask for an opinion on the matter. In his opinion, the bond money was assessed against homes in Aviamar. He will find out whether that money should be put back into the bond account. He believes the bond money is there for this exact purpose and stated the account has most of the money needed to address most of the signage issues. He thinks the CDD needs to find out why and if bond funds should be used to fund a traffic signal that is outside of Aviamar.

Ms. DiNardo asked if construction funds were utilized for the light on Collier Boulevard. Mr. Parisi stated there are no homes near that traffic signal, so there was no bond for homes. There is a bond for the construction and improvement of homes in Aviamar; he is unsure if a separate bond exists for the front area.

Ms. DiNardo noted that the use of those bond funds set a precedent. Mr. Parisi agreed. Mr. Cole stated he will check; the matter was completed ten years ago.

Mr. Parisi believes the matter is resolved and, excluding the signs on Dorado leaves enough in the construction fund to cover the cost of the signs.

Ms. DiNardo voiced her opinion that the work to be done in Aviamar and Veneta, where signs do not presently exist, has priority. Mr. Cole stated there are two signs in Aviamar for which installation will be delayed due to construction. Ms. DiNardo expressed her opinion that the motion should cover the cost of all the signs, including the signs for which installation will be delayed.

On MOTION by Ms. DiNardo and seconded by Mr. Klug, with all in favor, installation of 17 decorative pedestrian crossing signs in Aviamar and Veneta, where there are none, in a not-to-exceed amount of \$28,305, was approved.

Mr. Cole stated the Board approved Option A from his email; a total of 17 new signs are needed at a cost of \$1,665 each with the decorative signpost for a total cost of \$28,305. This approval is only for new signs to be installed where none exist.

Discussion of the remaining 17 non-decorative signs was tabled to the next meeting.

Mr. Parisi asked for Mr. Cole’s suggestions regarding necessary signage in Aviamar to be reviewed by the Engineer who designed it. He found it surprising that 17 signs are not installed and stated he would like it to be checked by his Engineer because neither the County nor anyone else advised him that signs are missing.

Mr. Cole stated he reviewed the MUTCD and the locations. There are crosswalks with no signs whatsoever, and, as the District Engineer, he could be liable for CDD roads.

Mr. Parisi stated he will check with his Engineer before money is spent. He opined that, if the CDD wants to enhance the signage beyond what is required by code, the Developers should not be required to pay for it.

Mr. Pires opined that the District Engineer is advising the CDD of what is necessary to remain MUTCD-compliant. In his opinion, the District Engineer’s guidance should be followed.

Ms. Viegas noted the two different parameters are the County guidelines and the more severe MUTCD, which might account for the large number of signs not on the plan.

Discussion ensued regarding the need to protect the CDD and mitigate liability, the County’s imperfect plan review process, the value of addressing the issue and signage and ongoing construction in the community.

NINTH ORDER OF BUSINESS

Continued Discussion/Consideration of Proposals for Street Light Posts and Signpost Painting Projects

Mrs. Adams stated Lykins has not submitted a proposal yet.

This item was tabled to the next meeting.

TENTH ORDER OF BUSINESS

Discussion: Fiddler’s Creek Foundation, Inc. Satellite Report [Irrigation Maintenance Agreement]

This item was discussed during the Sixth Order of Business.

ELEVENTH ORDER OF BUSINESS

Consideration of Proposals for CDD Insurance

Mr. Adams stated proposals for consideration are pending.

This item was deferred to the next meeting.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2023

Ms. Viegas asked why several contractual items came in below the amount budgeted, and if it is due to late billing or fluctuating activity. Mr. Adams and Mrs. Adams believe it to be both. Mr. Adams noted that all billings might not be reflected in these financials.

The financials were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of September 27, 2023 Regular Meeting Minutes

The following changes were made to the September 27, 2023 Regular Meeting Minutes:

Line 75: Delete "Contracted Responsibilities"

Line 84: Change "toro" to "Toro"

Line 585: Move Items 2 and 9 to the "Completed" portion of the Action Items List

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, the September 27, 2023 Regular Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Action/ Agenda or Completed Items

Items 2, 9, 11, 12, 13 and 15 were completed.

Item 4: Mr. Pires stated that he spoke with Mr. Miller regarding the deed language; this item will be included on the next agenda.

Item 5: Mr. Cole stated he will inspect the area as more time has passed.

Item 10: Include littoral plantings.

Item 14: Pertains to a Change Order for the cost of a crane.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires stated he had not prepared the demand letter for SOLitude yet.

Mr. Pires stated that he and Mr. Schmitt spoke with the County regarding the Watershed Improvement Plan. Everything is stalled for now.

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

- **NEXT MEETING DATE: November 8, 2023 at 10:00 AM**
 - **QUORUM CHECK**

Mrs. Adams noted that CDD #1 canceled its November 8, 2023 meeting.

On MOTION by Mr. Nuzzo and seconded by Mr. Klug, with all in favor, canceling the November 8, 2023 meeting, was approved.

Supervisors DiNardo, Viegas, Nuzzo and Klug confirmed their attendance at the December 13, 2023 meeting.

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

Mrs. Adams stated the Operations Report was emailed to the Board.

Regarding assessment information, Ms. Viegas asked why the link and information on the website are not the same as with the prior company as, from previous meeting discussions, that was her understanding. Mr. Adams stated they do not have a “self-help” link; property owners can contact Management Staff via email or telephone for assistance with Estoppels. District Management is aware that the email link does not work; the website is being worked on.

Ms. Viegas asked Mrs. Adams if the street sign repairs in her report are completed. Mrs. Adams replied affirmatively; on her report, the only temporary sign still outstanding with Lykins is the “Yield” sign in Veneta.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, the meeting adjourned at 11:06 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair