

**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 24, 2024 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
Bill Klug	Vice Chair
Linda Viegas	Assistant Secretary
John Nuzzo	Assistant Secretary
William Tomazin Jr. (via phone)	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Sean Van Den Broeck	Executive Director of Foundation Operations
Ryan Hennessey	Fiddler’s Creek Director of Community Services
Aaron Haak	Fiddler’s Creek Deputy General Counsel
Jody Benet	Fiddler’s Creek Irrigation Manager
Victor Ledezma	Fiddler’s Creek Landscape Manager
Mike Barrow	GulfScapes Landscape Management (GulfScapes)
Andy Nott	Superior Waterway Services, Inc. (Superior)
Nat Pappagallo	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 10:00 a.m. Supervisors Miller, Klug, Viegas and Nuzzo were present. Supervisor Tomazin attended by telephone.

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

SECOND ORDER OF BUSINESS

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

No members of the public spoke.

THIRD ORDER OF BUSINESS

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

Mr. Miller stated that arbitration is scheduled for August 7, 2024 at 1:00 p.m. It could turn into a settlement. Ms. Viegas stated the June invoice has not been received. As of May 22, 2024 CDD #2 has spent \$37,556.44 on this litigation matter.

FOURTH ORDER OF BUSINESS

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

Mr. Nott stated his Report is included in the agenda and an inspection was completed.

Mr. Miller asked about flooding in the lakes and the statement, "On July 8th, water levels are at control." Mr. Nott stated water levels are staying at control; he is not aware of any flooding. Water levels are high due to heavy rains and are at the high water marks. There were numerous rainy days in June preventing technicians from conducting treatments; additional visits were scheduled for July. In Lakes 85 and 90, which are the larger lakes, crews will treat the littoral shelves for torpedo grass and occasional cattails. In his opinion, the lakes are in great shape. Despite the heavy rains, the control structures are working as designed.

Ms. Viegas asked Mr. Nott how bad the lake conditions were when he took over maintaining the lakes when SOLitude was let go. Mr. Nott stated that the lakes were in pretty bad condition; the littorals were overgrown. He noted that torpedo grass can be difficult to get back under control, as it can have 30' long roots. Regrowth occurs frequently, so remediation is a long-term process; most of the time has been spent trying to get things under control.

Mr. Miller expressed his opinion that the lakes look very nice. Mrs. Adams indicated that the lakes are recovering very nicely. Mr. Nott stated that he expects the littorals to recover as the water levels rise. Mr. Miller expressed concern about heavy rains. Mr. Nott stated that the high water marks are where they should be; everything is working as it should.

FIFTH ORDER OF BUSINESS

Health, Safety and Environment Report (Ryan Hennessey)

Mr. Hennessey presented the PowerPoint and reported the following:

➤ Concerns related to irrigation and pressure washing, etc., can be emailed to Irrigation@Fiddlerscreek.com and Pressurewashing@Fiddlerscreek.com for staff response.

➤ Tree Canopy Trimming: Juniper finished trimming the hardwoods throughout CDD #2 on Sandpiper, from US-41 to Cranberry Crossing. No July trimming is scheduled per the Arbor Schedule. Some trimming will occur next month in preparation for holiday light installation.

Mrs. Adams stated the holiday lights are scheduled to be installed in October.

A. Irrigation and Pressure Washing Efforts

➤ Irrigation Projected Usage: Approximately 18.5” of rain was received in June, compared to 1.5” in May. There were six rain holds in the villages and five in the common areas.

➤ Water Usage: June 2024 usage was approximately 49.6 million gallons, compared to 50.2 million gallons in June 2023.

➤ Irrigation Report: There were two satellite communication failures. Bentley Electric restored power to the satellite where streetlights were tied into the same power panel as the satellite.

Mr. Miller asked if the power panel being tied into the streetlights and satellites, is a new development.

Mr. Benet stated the streetlight circuit had a short caused by a wire under an old root ball; the short killed the breaker panel that supplied power to everything, including the clock. Power for about 50% of the satellite controllers is tied into the streetlight circuits; there are no dedicated breakers for those controllers separate from the streetlights. That is how wiring was done at installation; rewiring the controllers would be a considerable expenditure.

Ms. Viegas asked how often this type of problem occurs. Mr. Benet stated there have only been a few instances in the last year, some in CDD #1 and some in CDD #2. Ms. Viegas stated, since it does not occur often, CDD #2 should not incur the expense to separate them. The Board agreed.

➤ Pressure Washing: Crews completed Hawk’s Nest, Cardinal Cove, Deer Crossing, and Cotton Green in CDD #1. Crews are currently working in Marsh Cove; Aviamar will be next. The map was updated.

B. Security and Safety Update

Mr. Hennessey reported the following:

➤ Gate Access Control: Community Patrol’s phone number is (239) 919-3705. Community Patrol should be called for assistance with security matters. In an emergency, 911 should be

called first, followed by Community Patrol. The automated gatehouse number is (239) 529-4139; that number should be called to add vendors or visitors to the list.

- **Occupancy Report:** Average weekly occupancy decreased from 1,457 in May to 974 in June 2024, a decrease of approximately 33%.
- **Gatehouses and Patrols:** The second Championship gate should be repaired soon; parts for the motor are expected soon. Sandpiper, Championship, and the Main gatehouses are operational 24 hours a day, seven days a week. There are two patrols per shift.
- **Gatehouse Activity:** Total gatehouse entries for all three gatehouses, from May to June 2024, decreased by 34%, decreasing from 61,515 to 40,701.
- **Incidents:** Most violations decreased, but By-Law violations increased due to fishing violations related to guests entering the community. Resident complaints included suspicious persons, flooding, wild animals, etc. Sheriffs are contacted when necessary.
- **Speed Detection and Enforcement:** The portable speed detection device was in use throughout the community. Of the 16 violations in June, nine were first time offenders and received written warnings; seven repeat offenders were referred to the Fining Committee.
- **The Collier County Sheriff's Office (CCSO)** advised that there were 58 extra patrols, 17 alarm calls, 16 accidental calls to 911 (hang-ups), 12 medical calls, three animal complaints and one traffic stop.

Asked about the animal complaints, Mr. Hennessey stated that residents can call either Security or call 911; he is unsure of the nature of the animal complaint calls.

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

Mr. Haak reported the following:

- **Development** continues in Oyster Harbor and in Dorado. One or two more buildings in Dorado came online in the last month and more will come online over the next 60 days. By October 2024, a total of three or four more will be delivered. They are being built after they are sold; the next buildings will include some model units; typically, three units in a building need to be sold before construction will begin.
- **Mr. Miller** asked how sales are progressing in Oyster Harbor. Mr. Haak stated there have been no new sales since last month; one home is currently under construction.
- **Work on the Golf Course** is ongoing despite slight delays due to rain.

➤ The Golf Clubhouse remains under construction.

Mr. Haak stated that CDD #1 asked for the Irrigation Consultant to speak at its September meeting and asked if CDD #2 would like him to speak at its September meeting. The Board Members replied affirmatively.

Mrs. Adams stated that the Irrigation Consultant will be the last item on CDD #1's September meeting agenda, and first on CDD #2's meeting agenda. Mr. Haak stated that the surveying and mapping of the community is ongoing and is approximately 60% to 70% complete. The previously discussed timelines for completion of the design portion by the end of the year are proceeding according to schedule. Further updates will be provided at the next meeting.

Mr. Miller asked for the status of the second payment from Halvorsen. Mr. Haak believes the threshold for payment, meaning actual construction work, has not happened yet; the information was provided and he is not aware of any response. Mr. Miller asked Mr. Haak to attempt to elicit a response.

Ms. Viegas recalled Mr. Parisi's belief that the documentation provided was not sufficient for issuance of payment and asked Mr. Cole to confirm if any additional documentation was provided. Mr. Cole stated there is no additional documentation he can provide at this time.

Ms. Viegas asked for the status of the recent State statutory changes to both HOA and COA regulations and when The Foundation Declarations will be revised and communications sent out to the residents. Mr. Haak stated that work is ongoing; many of the Declarations were written in 2004 and, over the years, piecemeal modifications were made to address specific issues. The Foundation is working with outside counsel to perform a complete review, due to the changes to the law. Until the review is done, The Foundation is complying with and adhering to current law as it exists with regard to enforcement and from an administrative standpoint.

Ms. Viegas asked if that means that violations will not be issued for trash bins and pickup trucks, until the review is complete. Mr. Haak replied affirmatively.

Mr. Haak stated that violations are not issued by the CDD, rather, they are issued by The Foundation.

Resident Nat Pappagallo asked if The Foundation will work with other communities that are unhappy about the new regulations, and if the Kaufman language applies in this situation.

Mr. Haak stated The Foundation has not engaged in any discussions or consensus with other communities about anything in this regard. The Foundation is working with its counsel to review the law change and review documents to ensure that they are modified as necessary to be in compliance with the law. He is not inclined to discuss the Kaufman language in this forum.

- **Continued Discussion/Consideration of Replacement of Seventeen (17) Temporary Signs in Aviamar and Veneta with Permanent Decorative Signs**

This item was not addressed.

SEVENTH ORDER OF BUSINESS

Engineer’s Report/Update: Hole Montes, a Bowman Company

Mr. Cole reported the following:

- He was asked to inspect some minor lake erosion in Lake 85. Landshore submitted a \$750 proposal yesterday for the minor repairs; he forwarded the proposal to Mrs. Adams to be presented at the August meeting. Ms. Viegas felt that the proposal could be addressed today due to the small amount so the erosion can be addressed sooner.

On MOTION by Ms. Viegas and seconded by Mr. Nuzzo, with all in favor, the Landshore proposal for erosion repairs, in the amount of \$750, was approved.

- There is no change to the Traffic Signal schedule; site work is still scheduled to begin in October 2024. The mast arms and controllers are expected to be delivered in November 2024; the Traffic Signal is expected to be operational by the end of December 2024. The mast arms will be delivered to Fiddler’s Creek to the CDD contractor.
- Emergency truss repairs were completed on Pumphouses #3 and #4. A proposal was requested for the roof repair. It is hoped that the building permit for Pumphouse #2 will be received very soon; once it is received, the roof replacement will be completed.
- Lykins-Signtek (Lykins) previously installed several pedestrian signs incorrectly; signs were installed in the wrong places, etc. After the meeting he will make sure the errors were corrected.

Mr. Miller noted that he does not like being so dependent on Lykins. Mrs. Adams stated that Lykins does prioritize work needed by the CDDs after hurricanes; she will look into some other companies for which Ms. Viegas supplied names.

➤ The Fiscal Year 2024 lake repair work on lake 65G will begin in August 2024 and be completed in September 2024. This is the long lake on the east side of Veneta to the west of the fountain.

➤ Staff will be checking sidewalks and valley gutters for repairs. Upheavals in the sidewalks from trees occur continuously; potential trip hazards were marked with orange paint and proposals will be requested.

➤ Mrs. Adams sent contract documents to Bonness for four paving proposals previously presented. Work has not yet commenced.

Mrs. Adams stated the contract was executed.

Ms. Viegas asked for an update on the irrigation issues report. Mr. Cole stated that some valves were replaced; Mrs. Adams will address it in the Operations Report.

Mrs. Adams stated that some of the valves worked and did not need to be replaced. The quotes are presented to be as realistic as possible but, when the work was done, the actual project cost was much less than the amount approved. Approximately \$32,000 was approved and the actual project total was \$13,451.

EIGHTH ORDER OF BUSINESS

Discussion/ Consideration of Holding Workshop to Discuss Rules of Procedure

Mr. Pires stated he did not prepare a Memorandum; he distributed an outline, which he emailed to Mr. Tomazin. Mr. Miller noted that Lines 414 through 417 of the meeting minutes refer to a Memorandum. He asked if this outline represents the Memorandum. Mr. Pires replied no; after reviewing the current Rules, the Statutes referenced, and the procedural aspects, he is recommending a complete repeal of the Rules and adoption of a much shorter set of Rules. Currently, the Rules repeat certain Statutory provisions, but the Statutes often change and the Rules do not keep up with the changes.

Mr. Pires reviewed his outline and stated he will provide a draft of the Rules that he will be recommending. Mr. Klug stated he has several questions and comments regarding the Rules. Mr. Miller suggested Mr. Klug email his points to Mr. Pires. Ms. Viegas stated that is what she has done.

The Board and Staff discussed Mr. Pires' outline and the existing Rules of Procedure.

Mr. Pires discussed his suggestions and revisions to the Rules and verbiage and noted that, with regard to financial statements, a policy of the Board might differ from a rule, etc.

Ms. Viegas noted that this discussion started when a vendor was disqualified from bidding because the vendor did not submit financial information. She stated that bidding is delegated to Staff with which the CDD has Agreements. She suggested that those Agreements be amended to include the bid process, requirement for bid bonds, the number of bidders required over a certain amount, etc. She added this will help Staff understand what they need to do when preparing bids. The Board agreed.

Ms. Viegas recommended waiting to schedule a public hearing until a draft of the revised Rules is presented. Mr. Pires suggested the Board review the new proposed Rules at the next meeting. Mr. Pires asked the Board Members to email him with comments and suggestions regarding the Rules. Mr. Pires will email the Rules to the Board at least a week in advance of the meeting.

A. Consideration of Resolution 2024-07, to Designate Date, Time and Place of Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rules of Procedure; and Providing an Effective Date

This item was deferred.

NINTH ORDER OF BUSINESS**Continued Discussion: FY2025 Budget**

Mr. Miller asked why the "Interest Income" was cut in half on the proposed Fiscal Year 2025 budget. Mr. Adams stated he is being very conservative and considers interest income to be "found money" and not something the CDD can depend on to offset expenses. It was noted that interest rates are expected to drop in the upcoming year.

Mr. Klug noted the "Legal litigation" line item has nothing budgeted for Fiscal Year 2025. Mr. Adams stated, based on discussions, he thinks litigation will be settled at arbitration. Mr. Klug voiced his opinion that the current budgeted amount is understated based on the \$37,556 total Ms. Viegas reported earlier. Mr. Adams stated any overage will reduce the fund balance.

Ms. Viegas asked for confirmation that the traffic signal expenses and construction funds issues she raised last month were checked. Mr. Adams confirmed that the construction funds are at \$0 and no expenses of the budgeted amount have been incurred this Fiscal Year. Ms. Viegas stated a correction to Page 5 was submitted. Mr. Adams stated it will be corrected.

- **Draft Mailed Notice to Property Owners**

Ms. Viegas, Mr. Miller and Mr. Tomazin all submitted changes to the letter to be mailed to all CDD #2 property owners. Letters are mailed only when there is an increase to the annual Operation & Maintenance (O&M) assessment. The estimated increase is \$137.51 per unit.

Ms. Viegas asked Mr. Miller if he is comfortable with a sentence she added based on his request at last month’s meeting. Mr. Miller replied affirmatively.

TENTH ORDER OF BUSINESS

Consideration of Goals and Objectives Reporting [HB7013 - Special Districts Performance Measures and Standards Reporting]

Ms. Viegas thanked the District Management team for putting these documents together. She asked if Goal 1.1 has only two meetings listed because that is the Statutory requirement. Mr. Adams confirmed that only two meetings, one to present a draft budget and one to adopt a final budget, are all that is required.

Ms. Viegas asked if the CDD needs to add the Statute number in Goal 1.2. Mr. Adams stated it is not necessary. Ms. Viegas noted capitalization errors in Goals 2.1 and 3.1. Mr. Miller asked how the results of the inspection in Goal 2.1 will be reported. Mr. Adams stated the form is meant to be simple; the CDD only needs to report that it was completed.

Mr. Miller asked if any other forms are being developed for other Districts. Mrs. Adams stated this form will be used in all of Management’s Districts.

On MOTION by Mr. Miller and seconded by Ms. Viegas, with all in favor, the Performance Measures/Standards & Annual Reporting form was approved.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2024

Ms. Viegas stated she and Mrs. Adams are working on items regarding the Irrigation-Capital Outlay line item, due to the error she found in April and the credit applied in May.

The financials were accepted.

TWELFTH ORDER OF BUSINESS

Approval of Minutes

A. June 26, 2024 Regular Meeting

The following changes were made:

Line 331: Change “finances” to “financial information”

Line 336: Change “He” to “Mr. Miller”

Line 362: Change “Asked” to “Mr. Miller asked”

On MOTION by Mr. Klug and seconded by Ms. Viegas, with all in favor, the June 26, 2024 Regular Meeting Minutes, as amended, were approved.

B. July 9, 2024 Special Meeting and Attorney-Client Executive Session

The following changes were made:

Line 29: Change “#1” to “#2”

Line 70: Change “executive” to “Executive”

On MOTION by Mr. Miller and seconded by Mr. Klug, with all in favor, the July 9, 2024 Special Meeting and Attorney-Client Executive Session Minutes, as amended, were approved.

THIRTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Regarding Item 2, Ms. Viegas noted the draft audit was not provided early. Item will remain on the list for 2025.

Regarding Item 8, Ms. Viegas noted that the item is completed but requires follow up. Mrs. Adams will follow up.

Regarding Item 6, Mr. Pires stated he sent the final demand letter to SOLitude; if nothing is received by August 16, 2024, the appropriate action will be filed. He noted that the people that he and Mrs. Adams dealt with are new and unaware of any problems.

Regarding item 9, Ms. Viegas stated the correct completion date is July 24, 2024.

Items 10, 11 and 13 were completed.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

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

Ms. Viegas asked if there was any response to the letter asking the three homeowners to remove the Clusia that they planted. Mr. Pires stated he received no response. Mrs. Adams

stated that Mr. Barrow emailed photos to her and Mr. Pires regarding additional plantings in front of the Clusia. Mr. Pires asked if the new plantings are in the CDD easement. Mr. Barrow replied affirmatively. Mr. Pires asked Mr. Barrow to send him a more detailed email and stated that he will send another letter to the homeowners.

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

Ms. Viegas asked for an update on the Aviamar fountain; she previously reported that it was gushing water and it is still leaking. Mrs. Adams stated the Aviamar fountain circulation pump is leaking, as reflected in her report. Mrs. Adams stated that she has no update.

Mr. Benet stated that the Veneta fountain timer is not working correctly. Mrs. Adams stated that she will ask the contractor to fix it.

With regard to the previously discussed letter to homeowners, Mr. Pires asked Mr. Miller if he should state in the letter that the CDD will remove the plantings if the homeowners do not. Mr. Miller replied affirmatively.

Ms. Viegas asked if there was an update regarding the lightning strike at the Oyster Harbor fountain that was to be reviewed on Monday as well as the Aviamar fountain. Mrs. Adams stated that she has no update on the Oyster Harbor fountain either.

- **NEXT MEETING DATE: August 28, 2024 at 10:00 AM [Adoption of FY2025 Budget]**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the August 28, 2024 meeting.

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

The Operations Report was included for informational purposes.

FIFTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, the meeting adjourned at 11:03 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair