

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

The Board of Supervisors of the Fiddler’s Creek Community Development District #2 held Public Hearings and a Regular Meeting on August 28, 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.	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
John Taylor	Fiddler’s Creek Director of Facilities
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)
George Bronsky	Resident
Nat Pappagallo	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.

**SECOND ORDER OF BUSINESS**

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

No members of the public spoke.

**THIRD ORDER OF BUSINESS**

**Discussion: Results of Non-binding Arbitration Hearing and Notice of**

**Summary Judgment Hearing (FCCDD2 vs FCCDD1) [September 25, 2024 at 2:00 PM]**

Mr. Miller stated that the non-binding arbitration hearing was held but it cannot be discussed because it is sealed for 20 days. The seal will expire on September 11, 2024. An Executive Session is necessary in order to discuss it. The consensus was to schedule an Executive Session on September 6, 2024 at 10:00 a.m. Supervisors Miller, Klug, Viegas and Nuzzo confirmed their in-person attendance. Mr. Tomazin will attend via Zoom.

Ms. Viegas stated, as of July 29, 2024, CDD #2 has spent \$44,913.08 on this litigation.

**FOURTH ORDER OF BUSINESS**

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

Mr. Nott presented the Treatment Report for July 2024 and reported the following:

- Illinois pondweed increased in Lakes 90, 88, and 65E. Regular treatments will continue.
- A lot of Water Lettuce is present in Lake 65E; it comes from the County canal. Treatments are ongoing.

In response to the question of whether the County will spray the CDD canal, Mrs. Adams stated that she has asked the County to treat the canal on numerous occasions over the years; however, since it is not an invasive species, the County will not treat it.

Mr. Miller asked if the controls are working properly to keep the lakes from overflowing. Mr. Nott stated that they are clear and working as designed.

Mr. Klug asked if Water Lettuce is treated for aesthetic purposes. Mr. Nott stated that the species they treat would cover the entire surface if not treated. Mrs. Adams stated it is like Cristata Lily; that is why all CDD contracts do not allow that vegetation to proliferate.

- Treatments for shoreline algae and Torpedo grass are ongoing.

Mr. Tomazin voiced his belief that some home drainage systems tie into the lakes and that the drainage can be blocked for various reasons. He asked if individual homeowners are responsible for clearing blockage on their property. Mrs. Adams stated it is the individual homeowner's responsibility unless it is a CDD-owned drain. She asked Mr. Tomazin to email her the specifics; if it is owned by the CDD, it will be addressed. Some CDD-owned drains are included in the GulfScapes contract. Mr. Klug noted that drains on Association common areas could be an HOA matter.

**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](mailto:Irrigation@Fiddlerscreek.com) and [Pressurewashing@Fiddlerscreek.com](mailto:Pressurewashing@Fiddlerscreek.com) for staff response.
- Tree Canopy Trimming: No July or August trimming is scheduled in CDD #2, per the Arbor Schedule.

**A. Irrigation and Pressure Washing Efforts**

- Irrigation Projected Usage: Approximately 15.8” of rain was received in July, compared to 18.6” in June. There were eleven rain holds in the villages and ten in the common areas.
- Water Usage: July 2024 usage was close to 33 million gallons, compared to 60.5 million gallons in July 2023. The difference is attributable to rainfall.
- Irrigation Report: A community-wide power outage resulted in communication failures on July 12, 2024. A communication failure on July 18, 2024 in Oyster Harbor was due to a blown fuse that was replaced at no charge to the CDD.
- Pressure Washing: Crews completed work in Marsh Cove last week. Work in Aviamar began this month; sidewalks were completed and signs and monument signs will now be addressed. Fiddler’s Creek Parkway will be next. The map was updated.

Ms. Viegas asked about the number of gallons of water used in the villages, which she thinks seems high considering the number of rain holds. Mr. Hennessey stated that last month’s village water usage was incorrect; rather than 2.6 million, it should have been 7.1 million.

**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 974 in June to 958 in July.

- Gatehouses and Patrols: The second Championship gate arm was installed. The Road Patrol shut down the boardwalk on various days due to flooding. Sandpiper, Championship, and the Main gatehouses are operational 24 hours a day, seven days a week. There are two patrols per shift, generally one patrol in CDD #1 and one in CDD #2.
- Gatehouse Activity: Total gatehouse entries for all three gatehouses, from June to July 2024, stayed over 40,000.
- Incidents: By-Law violations mainly related to fishing in lakes decreased dramatically, as staff members have been proactive and speaking with offenders. Medical and parking incidents are about the same as the previous month. Fishing violators include contractors when they are done working and kids by the corporate sales office. Officer observations and resident complaints increased slightly; calls are often due to street flooding; officers clean storm drains as best they can.
- Speed Detection and Enforcement: The portable speed detection device was in use throughout the community. Of the 18 violations in July, 16 were first time offenders and received written warnings; two repeat offenders were referred to the Fining Committee.
- The Collier County Sheriff's Office (CCSO) advised that there were 43 extra patrols, 16 alarm calls, 23 accidental calls to 911 (hang-ups), 11 medical calls, 2 animal complaints, 2 DUIs, 1 traffic stop/crash and 1 burglary to a company owned vehicle in which an arrest was made.

**SIXTH ORDER OF BUSINESS**

**Developer's Report/Update**

Mr. Haak reported the following:

- Development continues in Oyster Harbor and in Dorado.
- Work on the Golf Course is ongoing, although work has been hampered by weather.
- The Golf Clubhouse remains under construction.
- **Continued Discussion/Consideration of Replacement of Seventeen (17) Temporary Signs in Aviamar and Veneta with Permanent Decorative Signs**

Mr. Haak stated that he reviewed his emails and had a discussion with Mr. Cole, who is working with Lykins on this. Mrs. Adams believes there are two different issues. Mr. Cole stated there is overlap.

Mr. Miller asked for an update on Gator Grille 2. Mr. Haak stated that the design and permitting processes are ongoing.

Ms. Viegas asked for an update about changes to HOA and COA laws and updating the Fiddler’s Creek Declarations. Mr. Haak stated that those projects are ongoing; as stated at the last meeting, all operations and enforcement are in compliance with current laws. He added that violations are on hold until the review is completed.

Ms. Viegas stated that an Irrigation Action Items Report was received and asked if Mr. Haak is responsible for that. Mr. Haak stated that he merely transmits information provided to him by the irrigation and landscaping teams. Ms. Viegas asked Mr. Cole if he has any updates regarding unresolved irrigation issues from 2022. Mr. Cole asked Mr. Haak to send him the Report.

Ms. Viegas asked Mr. Barrow if he will address the Landscaping Report and stated that she has questions about his responses to Mrs. Adams. Mr. Barrow replied affirmatively.

**SEVENTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2024/2025 Budget**

**A. Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2024-08, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date**

**The Public Hearing was opened.**

No affected property owners or members of the public spoke.

**The Public Hearing was closed.**

Regarding Page 2, Section 2 of the Resolution, Mr. Miller asked if the statement “There is hereby appropriated out of the revenues...which sum is deemed by the Board of Supervisors to be necessary to defray all expenditures.” includes Debt Service. Mr. Adams replied affirmatively and noted that “all expenditures” includes all expenditures across all funds, including Debt Service.

Regarding Page 3, Section 3b of the Resolution, Mr. Miller asked if \$15,000 is still an appropriate amount, given inflation. Mr. Adams stated that he does not think increasing it is necessary, given that the Board meets monthly.

Regarding Page 2, Section 2 of the Resolution, which reads "There is hereby appropriated out of the revenues of the Fiddler's Creek Community Development District #2, for the fiscal year beginning October 1, 2024, and ending September 30, 2025, the sum of \$8,287,201.", Mr. Tomazin asked about the total General Fund amount in Section 2, since it is \$2.67 million and not \$4.07 million as stated. Mr. Adams explained that the amount includes previous assessments collected that are in the General Fund and available to pay the expenditures. The amount must equal the amount of the expenditures. Mr. Tomazin voiced his opinion that additional verbiage was needed. Ms. Viegas explained that this has been discussed in previous years and "and otherwise" was added to cover any other funding, including more than \$100,000 in miscellaneous income last year, and the amount of interest income this year.

Mr. Adams agreed to add "surplus assessment dollars" being included and keeping "and otherwise" in the statement. He stated that it does not make sense to add all the different categories, as they change.

Regarding the proposed Fiscal Year 2024/2025 budget, Mr. Miller asked why the "Interest & miscellaneous" income was reduced 50%, which he believes is too much. Mr. Adams stated that he is being very conservative, considering interest income to be found money rather than a means of offsetting expenses.

Mr. Miller asked Mr. Cole why "Engineering" expenses are up 50% and if he thinks that will be a continuing escalation. Ms. Viegas noted that, as discussed at previous meetings, it is due to all the time Mr. Cole had to spend on bidding. Mr. Cole stated that there are several factors, including having to spend extra time to obtain more bids. Staff spent a great deal of time on the Amador swale issue, which is now resolved. The sod looks good and an email was sent to the village landscaping company's owner to inspect the area. Staff also spent a lot of time on the irrigation pumphouse roof replacement. Next year, he projects those items will decrease, but he will be spending time on the Irrigation Study and the ongoing upgrades that will occur over the next few years. Mr. Miller asked if the CDD can expect a higher level of engineering costs because of the irrigation issues. Mr. Cole replied affirmatively.

Mr. Miller asked about the increase of approximately 33% in "Water management". Mrs. Adams stated it is due to the Lake Maintenance Contract, \$200,000 budgeted for lake bank repairs, and the costs shared with CDD #1 for Belle Meade Preserve.

Mr. Miller asked about the large increase in “Roadway services”. Mr. Adams stated it includes the \$710,000 for the traffic signal, which is a one-time expense. Mr. Miller noted that Irrigation expenses more than doubled.

Regarding “Assigned-US 41 traffic signal shared cost”, Mr. Adams stated that was zeroed out because it will be paid for in Fiscal Year 2024/2025. Mr. Miller asked how the Halvorsen payments are structured into that. Mr. Adams stated that the Halvorsen payments are not structured into the proposed budget at this point because of the litigation; conservatively, he has not netted either CDDs’ expense on the traffic signal by Halvorsen contributions. It will be modified when the issue is resolved in the fact that the entire \$710,000 would not be expensed; the reduced amount expense would increase surplus fund balance.

Ms. Viegas asked about the “Trustee” amount based on the July Financials. She noted that \$31,500 is budgeted again for Fiscal Year 2024/2025, but expenditures are already at \$45,640, as of July 2024. She asked for detail on the \$10,500 charge in July and asked if the Trustee performed some additional work that is not normal. Mr. Adams thinks that some bonds will require less work after the next 60-90 days so the budget amount might be okay; he will research it. Mrs. Adams will send Ms. Viegas the detail for the \$10,500.

**On MOTION by Mr. Klug and seconded by Mr. Tomazin, with all in favor, Resolution 2024-08, as amended, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**EIGHTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2024/2025, Pursuant to Florida Law**

- A. Proof/Affidavit of Publication**
- B. Mailed Notice(s) to Property Owners**

These items were included for informational purposes.

**The Public Hearing was opened.**

No affected property owners or members of the public spoke.

The Public Hearing was closed.

**C. Consideration of Resolution 2024-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2024/2025; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. Adams presented Resolution 2024-09, which allows the CDD to impose and collect the assessments adopted through the budget utilizing the services of the Property Appraiser and Tax Collector.

Ms. Viegas asked why Mr. Tony DiNardo is still on the letter sent to Menaggio. Mr. Adams stated that the Mailed Notices are based on the information received from the Property Appraiser and Tax Collector's information received on June 1 of each year; more importantly, the correct entity is included on the Mailed Notice. Ms. Viegas suggested Mr. Haak may want to have Mr. DiNardo's name deleted.

Ms. Viegas noted that the Section 3 title on the Resolution says "Collection and Enforcement; Penalties; Interest" but the section only addresses collection. Mr. Adams stated that penalties and enforcement would be to the extent that property owners chose not to pay their property tax bill, which would not be a CDD matter; a tax certificate sale can incur penalties and interest through that process. Asked if language that was removed needs to be reinserted, Mr. Adams replied no; this is applicable to how both on-roll and off-roll assessments are collected. Penalties and interest would naturally occur through the Tax Collector's process, subject to Florida Law.

**THE FOLLOWING SECTION WAS TRANSCRIBED**

**VERBATIM, PER THE DISTRICT MANAGER'S REQUEST**

**Mr. Tomazin:** One of the things we say in the lead-in on Page 2 of this is that the District has adopted and we are certifying the Assessment Roll and I just wanted to quickly ask, what do we do to ensure the completeness and accuracy of this roll?

**Mr. Adams:** That roll is provided to us by the Property Appraiser.

**Mr. Tomazin:** So, it is simply drawn on the day...



**Mr. Adams:** By each June 1, they are required to provide to us an updated lien roll within the boundaries of your CDD. We rely upon that... (remainder of the response was unintelligible, as Mr. Miller spoke over Mr. Adams)

**Mr. Miller:** But, actually Bill, since they are saying that, they are responsible for it.

**Mr. Pires:** Yes, it is the updated property list and ownership and the District Staff prepares the assessment levels based upon the budget.

**Mr. Miller:** I understand, but the District Manager is essentially representing this.

**Mr. Pires:** Correct.

**Mr. Tomazin:** It says "to certify an assessment roll" so that is why I was asking the question. You would expect that there would be some process or procedures which would be a control over the completeness and accuracy of this roll.

**Mr. Adams:** The taxing authority that will actually levy these taxes for you on the property tax bill has provided to us the lien roll and its accuracy as of June 1 of each year. They are required to do that legally. What we do is we take that lien roll and we input the assessment levels that you adopt, and we return it to them for placement of those... (remainder of the response was unintelligible, as Mr. Miller spoke over Mr. Adams)

**Mr. Miller:** And you feel comfortable, based on that, that you are doing the certification?

**Mr. Adams:** Absolutely.

**Mr. Miller:** Okay.

**Mr. Adams:** We rely on them. You rely on us; we rely on them.

**Mr. Tomazin:** Okay. And then the other question I had was just on Section Two, the words. It refers to "special assessment for operations and maintenance." Is that just common language that you use?

**Mr. Adams:** Yes. Because you are a Non-Ad Valorem, which is a Special and Peculiar benefit, so by definition it is a Special Assessment. It is not a new assessment, it is just a Special Assessment by the true reason in which it is actually levied, which is for a Special and Peculiar benefit. It is not based upon the value of your home.

**Mr. Tomazin:** I understand. And then the last question I have is on Section One. Right above there at the end of that paragraph it says, "is hereby found to be fair and reasonable". Who is determining what fair and reasonable is?

**Mr. Adams:** That is the Special and Peculiar benefit and it relies back to your Assessment Methodologies that were put in place over 20 years ago.

**Mr. Pires:** They are making that determination as a Legislative determination.

**Mr. Miller:** Well, they are making essentially a warranty and representation, so if it ever got to court, the burden is on them.

**Mr. Pires:** It is a Legislative determination, and absent an abuse of discretion...

**Mr. Tomazin:** And when you say "them", "them" is us.

**Mr. Miller:** No, "them" is the District, the Manager.

**Mr. Adams:** No. No, no, no...

**Mr. Pires:** The Board.

**Mr. Adams:** It is the Board.

**Mr. Pires:** The Board is engaging in a Legislative function, making the determination of benefit, making the determination that it is fair and reasonable, and, by making these statements, you have a Legislative determination that, absent some abuse of discretion...

**DUE TO TECHNICAL ISSUES, AUDIO WAS LOST BRIEFLY**

**Mr. Miller:** Unless it is abusive. Right?

**Mr. Adams:** It is the same judgement that has been exercised for the last twenty plus years for this District.

**Mr. Tomazin:** So, Elliot, I would suggest, and obviously you do not need to do this, but I would suggest that we get some sort of Memorandum from the District Manager that lays out what we just talked about, because we are effectively relying on them around this notion of "fair and reasonable", and "fair and reasonable" is very subjective. And I just think whatever procedures the District Manager goes through to reach those conclusions and recommend to us...

**Mr. Klug:** Considering we are on the record, is that Memorandum necessary based upon the discussion we have just had?

**Mr. Miller:** Well, what Bill is saying is that he has already made that statement on the record.

**Mr. Adams:** We will make sure we get that transcribed. So, to the Transcriptionist, please make sure that this discussion is transcribed verbatim. Just this section.

**SUMMARY TRANSCRIPTION RESUMED**

**On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, Resolution 2024-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2024/2025; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

## **NINTH ORDER OF BUSINESS**

### **Engineer's Report/Update: Hole Montes, a Bowman Company**

Mr. Cole distributed Draw #195 for approximately \$1,600 for Engineering Services related to the traffic signal. The invoice includes invoices for Trebilcock Consulting Solutions, who is supporting this project with the design and permitting services. The work is still anticipated to begin in late October and hopefully be completed in December.

Mr. Miller asked if invoices from Bowman were received for the repaving of Chiasso Court. Mr. Cole stated those would be sent directly to the CDD; they are not run through a draw. Mr. Miller asked if they were received. Mr. Cole stated that Bonness is doing various repaving work; as Bowman receives invoices from Bonness, they are sent directly to Mrs. Adams with recommendations for payment. Those invoices are not presented to the Board.

Resident George Bronsky stated that a contractor working on US41 told him that 7-Eleven had some responsibility for installation of the traffic signal and asked if that is correct.

Discussion ensued regarding the 7-Eleven payment.

Mr. Miller believes it is a gratuitous payment. Mr. Cole believes they do have responsibility. Mr. Adams agreed and stated their payment will be paid directly to the County, which would reduce CDD #2's payment. Mr. Pires confirmed that is part of the PUD for the 7-Eleven project.

Mr. Adams stated that, without knowing how much would be contributed, he did not adjust CDD #2's budget.

Mr. Cole reported the following:

- Repairs are ongoing to Lake 65G, to the west side of Fiddler's Creek Parkway, in Veneta.
- A minor lake erosion repair was completed to the lake on Serenity Court.

- Bonness started the Sandpiper Drive sidewalk repairs this week. Bonness also commenced work on the Museo Circle valley gutter repairs this week. Bonness previously repaved Chiasso Court and still needs to repave other areas.
- Regarding pedestrian crossing signs being removed and replaced in the wrong places with the wrong signs, a response from Lykins is pending. Two months ago, he spoke with Britney; Lykins agreed to correct what it did wrong.
- According to the contractor, the building permit for Pumphouse #2 is expected this week. The new roof should be completed by the end of October.
- Work for the traffic signal is planned from late October through December; it is hoped that the signal will be functioning in December.

Discussion ensued regarding the possibility of the traffic signal being delayed due to parts delays.

Ms. Viegas asked Mr. Cole to provide updates on the Irrigation Unresolved Issues at the next meeting.

**TENTH ORDER OF BUSINESS**

**Discussion/Consideration of Holding Workshop to Discuss Rules of Procedure**

Mr. Miller stated Mr. Pires distributed a lengthy draft proposal, and that he suggests a workshop be held to discuss the Rules of Procedure. He stated that Ms. Viegas provided Mr. Pires with some comments, that are in red. Ms. Viegas stated that she has additional comments. Mr. Pires stated he also received comments from Mr. Tomazin on a previous draft. He asked all Board Members to submit additional comments regarding the latest document; he will incorporate changes into the final document before the next meeting.

Discussion ensued regarding the Rules of Procedure and holding a one-hour workshop after the September meeting. It was noted that the workshop will be on the record, but no votes can be taken at the workshop; the goal is to address and discuss issues.

The consensus was to schedule the workshop for after the September 25, 2024 meeting. Mr. Pires will incorporate revisions discussed at the workshop and create a new draft for Board Members to review, and to be presented for consideration at the subsequent meeting.

Mr. Pires distributed copies of the Consultant's Competitive Negotiations Act Section 287.055, F.S. for the Board's consideration.

Discussion ensued regarding contractor’s qualifications for those with renewing contracts.

Mr. Pires thanked Ms. Viegas and Mr. Tomazin for their comments and welcomed other Board Members to submit comments, rather than redlines, in advance of the next 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 not addressed.

**ELEVENTH ORDER OF BUSINESS**

**Legal Update: Required Ethics Training for Special District Supervisors and Form 1**

It was noted that four of the five Board Members completed the ethics training and completed Form 1.

The Board and Staff discussed Form 1 and Form 1X, which is filed if financial interests change during the year. Mr. Pires will research at what level material changes require Form 1X.

**TWELFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of July 31, 2024**

Ms. Viegas asked about the “Landscaping Improvements and Renovations” charges from Juniper, totaling \$91,091. She recalled Juniper removed landscaping in error and stated that she wants to make sure the July invoices did not include any of that work, since Juniper is supposed to pay. Mrs. Adams stated that Juniper made some mistakes and had to fix some issues; the CDD was not charged for that work. Ms. Viegas noted that, according to the July 2023 meeting minutes, the Board approved a not-to-exceed amount of \$90,000, but the bills total \$91,091. Mrs. Adams stated that Taylor Morrison paid \$73,000 and the CDD was paying the rest. She is unsure what the \$1,091 expenditure relates to.

Asked about the additional expenditure, Mr. Cole stated it would take him hours of review/research to determine what it is. The consensus was that the cost for Mr. Cole to research this would be more than the \$1,091.

Ms. Viegas noted the need to prevent bills from being paid that are over the not-to-exceed amount approved by the Board.

The financials were accepted.

**THIRTEENTH ORDER OF BUSINESS**

**Approval of July 24, 2024 Regular Meeting Minutes**

It was noted that Lines 252 and 253 stated the "Rules" document discussed earlier was supposed to be sent to the Board at least a week in advance.

It was noted that the budget item discussed in Line 272 was not corrected. Ms. Viegas asked Mr. Adams if he will correct Page 5 of the Fiscal Year 2024/2025 budget before it is posted and submitted. Mr. Adams replied affirmatively.

The following change was made:

Line 274: Add "Mr. Tomazin"

**On MOTION by Mr. Klug and seconded by Mr. Miller, with all in favor, the July 24, 2024 Regular Meeting Minutes, as amended, were approved.**

**FOURTEENTH ORDER OF BUSINESS**

**Action/Agenda or Completed Items**

Ms. Viegas stated the Action Items List in the agenda book was not updated since July. Ms. Viegas will provide the changes to Mrs. Adams after the meeting.

**FIFTEENTH ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Pires stated that the Florida Commission on Ethics is the only entity that can provide opinions about the Code of Ethics. Regarding Form 1X, the instructions state the form can be used to report information that was missed, or information that should have been reported on Form 1.

Mr. Pires stated he sent the final demand letter to SOLitude on July 23, 2024; SOLitude was asked to respond by August 16, 2024. No response was received. Mr. Pires asked for approval to file a claim in Small Claims Court suing for the \$9,302 that SOLitude owes the CDD. Mr. Pires stated that, when filing, the case will go to mediation; there is a \$1,300 fee.

**On MOTION by Mr. Klug and seconded by Mr. Tomazin, with all in favor, authorizing District Counsel to file a claim against SOLitude in Small Claims Court, was approved.**

Ms. Viegas asked if any responses were received regarding the second letter asking the three homeowners to remove the Clusia that they planted. Mr. Pires stated that he had not yet sent a second letter. He will send it this week.

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

- **NEXT MEETING DATE: September 25, 2024 at 10:00 AM**
  - **QUORUM CHECK**

All Supervisors confirmed their attendance at the September 25, 2024 meeting.

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

The Operations Report was included for informational purposes.

Mr. Klug asked about the unsightly utility boxes outside the gate on Sandpiper; one is being held together by elastics. Mrs. Adams stated this has been ongoing for years; Florida Power & Light (FPL) will not do anything if it is just a cosmetic problem. Mr. Pires will send a letter to FPL.

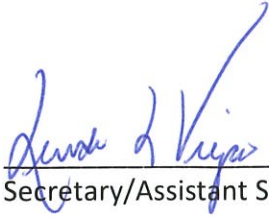
Ms. Viegas noted that the first item on Mrs. Adams' Operations Report can be deleted since it was completed. She stated the Aviamar Fountain was repaired and is working so that can be deleted, as well.

Discussion ensued regarding the Landscaping Report that was sent to the Board. Mrs. Adams stated that the Report was sent by Mr. Haak's group, and it was forwarded to the Board Members for informational purposes. Mr. Haak asked recipients to reply back to him with responses or questions.

**SIXTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, the meeting recessed at 11:15 a.m., and was continued to Friday, September 6, 2024 at 10:00 a.m., in-person and via Zoom, for an Executive Session regarding the pending litigation.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair