

**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 23, 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
Kevin Dowty	District Engineer
Ryan Hennessey	Fiddler’s Creek Director of Community Services
Aaron Haak	Fiddler’s Creek Deputy General Counsel
Sean Van Den Broeck	Executive Director of Foundation Operations
Jody Benet	Fiddler’s Creek Irrigation Manager
Victor Ledezma	Fiddler’s Creek Landscape Manager
Mike Barrow	GulfScapes Landscape Management (GulfScapes)
Russ Geiger	Hydrologic Irrigation Design, Consulting & Eng.
Joe Schmitt	CDD #1 Board Member
Torben Christensen	CDD #1 Board Member
Joe Mayer	CDD #1 Board Member
Frank Weinberg	CDD #1 Board Member
Joe Vaccaro	CDD #1 Resident
Jack Combes	CDD #1 Resident
Sue Leone	CDD #2 Resident
Ray Magill	CDD #2 Resident
Nat Pappagallo	CDD #2 Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the CDD #2 meeting to order at 10:00 a.m. For CDD #2, all Supervisors were present.

▪ **Fiddler’s Creek CDD #1 Continued Meeting Call to Order/Roll Call**

This item was an addition to the agenda.

Mrs. Adams reconvened the CDD #1 meeting at 10:00 a.m. For CDD #1, Supervisors Schmitt, Christensen, Mayer and Weinberg were present. Supervisor Badessa was not present.

DUE TO FIRE ALARM TESTING THROUGHOUT THE MEETING, MANY COMMENTS WERE INAUDIBLE. PORTIONS OF THE MINUTES WERE TRANSCRIBED FROM THE MEETING NOTES.

SECOND ORDER OF BUSINESS

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

No members of the public spoke.

THIRD ORDER OF BUSINESS

Presentation: Irrigation Consultant

Mr. Haak introduced Mr. Russ Geiger, the Irrigation Consultant that The Foundation engaged for the master irrigation system work project.

Mr. Miller asked why it is appropriate for Mr. Geiger to be here at this time. Mr. Haak stated that both CDD Boards asked for him to be present to answer questions; as discussed by both CDDs, this is a phased project with mapping, surveying, and design phases.

Mr. Geiger, of Hydrologic Irrigation Design, Consulting & Engineering, stated that he was asked to give a summary regarding the project, what is being done, and why. He prepared a document that can also be distributed. He read the document, as follows:

“Current System: Overview and Description. The irrigation system at Fiddler’s Creek is a large community system that has several points of connection with pump stations that produce a combined flow capacity of approximately 15,000 gallons per minute. The system has a robust mainline pipe network that handles the distribution of nearly a billion gallons of water per year over the residential and community landscapes. While the piping in general is adequate, there are localized areas that have improper cross connections which are limiting flow and pressure and components in need of repair.”

Mr. Geiger stated that, all in all, the system is a very robust mainline system.

Mr. Geiger continued reading, as follows:

“Electrical Control Sub-System. A major component part of the irrigation system is the electrical control subsystem, which actuates all the distribution valves and sprinklers. The control subsystem components (field controller pedestals, electric valves, and wire cable) have the shortest useful life expectancy of any part of the irrigation system, which is approximately 15+ years. This part of the irrigation system is unfortunately beyond its useful life in many areas and is also quite obsolete, technically speaking. In some of the earlier developed areas of Fiddler’s Creek, the control system is over 25 years old and very unreliable. The numerous electrical components within the control pedestals (90+ units) are aged and many of the installed electrical cables in the field have been damaged. The existing control system is also very limited due to its relative age and technically obsolete when compared to newer irrigation control systems. Contemporary irrigation control systems are designed to greatly enhance the ability to manage irrigation throughout the piping network by sensing and monitoring the flow at specific points in the system. This is a fundamental and critical operation within any irrigation system, especially a system of the relative size such as Fiddler’s Creek. Without flow management, excessive amounts of water flow and the velocity of that water can cause severe damage and wear over time that will lead to mainline pipe failures and property damage. Unfortunately, there is currently no way to accurately measure or manage the flow levels within the pipes of the existing system at any given moment, thus exposing the system to certain eventual problems.

Another current limitation is the fact that the entire control subsystem is not centralized. In other words, this implies that the capability does not exist to communicate with all the field controllers (90+ units). Field controllers should be adjusted periodically when climate conditions change (wet season/dry season, cool/hot temperatures, etc.), however without communication capabilities a field controller will need to be manually adjusted and programmed for scheduling. This requires a significantly greater amount of time/labor each time the field controller needs changing/adjusting. Centralized communication with all field controllers is a necessity that all large systems must employ to maximize performance and efficiency from the overall irrigation system.

Necessary Improvements - Smart Irrigation Control. For at least 10 years, the concept of “smart” irrigation control has been on the market and has gained significant momentum due to

the inherent benefits of resource conservation. This idea was first employed in the western United States in areas such as California and Arizona where irrigation water resources have been a relative commodity for decades.

The notion of smart irrigation is simply not to apply irrigation unless the current conditions justify the need. Unfortunately, the typical automated irrigation control system will naturally overwater the intended area throughout the course of the year due to a lack of information regarding the real-time climatic conditions. For example, if the control system is set to a weekly schedule that includes running its zones on Monday, Wednesday, and Friday, then that is exactly what it will do. Even if the ground is saturated from a storm that occurred the day before, the system will run the next cycle, nonetheless. This is not only wasting the irrigation resource, but it can also be detrimental to the general health of the landscape plants and turf.

Smart irrigation control may utilize rain and soil moisture sensors that are in specific locations on the site. This information permits managers of the system to more effectively make decisions regarding run-time scheduling for zones. By continually making these adjustments over time, management of irrigation systems utilizing the smart control system are capable of water resource savings compared to management utilizing conventional control and program scheduling.

Managing Flow and Maximum Allowable Flow. Utilizing a smart irrigation control system can also help protect the pipe in the system from “water-hammer,” which is the result of allowing too much flow through the pipe at any given instance. A rule of irrigation system design is to allow no more than 5 feet per second flow velocity to occur within any pipe at any time. Exceeding this value puts the pipe in the system at risk of the dangerous effects associated with water hammer that can lead to premature failures, especially at junctions and tees in the pipe system where the flow is abruptly redirected.

Flow and pressure sensors may be placed and installed strategically within the piping circuit that will constantly monitor the actual flow. This gives the irrigation manager vital information that can be applied to developing “safe” irrigation program schedules that will maximize the efficiency of applying the needed water while avoiding exposing the pipes to danger from excessive flow.

Ultimately, if the current flow within the system exceeds the preset default value, the controller will automatically shut down the flow in that portion of the pipe system via a “master valve.” This situation may arise from a pipe break, a stuck zone valve, or simply too aggressive program scheduling for that part of the piping system.

Conclusions and Takeaways. Large community irrigation systems analogous to the system in place at Fiddler’s Creek should be employing a totally centralized and “Smart” irrigation control subsystem. The benefits of having enhanced capabilities to control and manage the system are numerous and ultimately will reduce the costs of operation and ownership over time. Some of the more obvious rewards are:

- Less water required to irrigate over a given period, minimize wasted water
- Less energy/electricity required to irrigate over the same given period
- Less pump station wear, maintenance, and repair
- Protecting system piping by limiting excessive flow and potential water hammer
- Significantly reduced time required to make schedule run-time adjustments
- Adjustments to system can be made remotely from anywhere – tablet/smart phone
- Increased overall operating efficiency
- Increased plant health due to avoiding constant over-watering
- Conserving water protects/enhances the environment in general

The goal is to conserve water in times of drought, yet still irrigate the landscape with optimal efficiency. The only way to consistently achieve these objectives is to utilize intelligent “smart” irrigation control. There is an axiom in the irrigation industry that states simply; ‘If you can’t measure your water, then you can’t manage it, much less conserve it.’”

Mr. Miller thanked Mr. Geiger for the presentation and asked if he calculated an estimate of the cost reductions over time, as opposed to the cost of installation of a new system. Mr. Geiger stated that a cost analysis has not been part of the scope; he does not have access to the information to make any assessment of the cost savings, but CDD records might reflect repair costs, etc.

CDD #1 Board Member Mr. Joe Schmitt asked Mr. Geiger if he has an estimate of the total proposed cost. Mr. Geiger replied no; they must finalize a design for each area and solicit bids from professional local contractors based on the specifications provided.

Mr. Schmitt stated he would want a full engineering and economic analysis, including initial cost, annual cost, future cost for maintenance, and the cost of continuing with the system in its current condition. He would want to fully compare the pros and cons and benefits of installing the newly proposed smart irrigation system versus continuing with the current system. He questioned whether the Boards can approve this without that kind of analysis to include startup costs and annual costs. He voiced his belief that the mapping, surveying, and design must be finished and put out to bid. He asked for the status of the mapping, surveying, and designing phases.

Mr. Geiger stated that surveying has been ongoing for a couple of months and should be complete within the next month or so. Enough information has been gathered to proceed with accurately designing some areas; the work is done area by area.

Mr. Klug asked who the project contract is with. Mr. Haak stated the contract is with The Foundation. Mr. Klug asked for the scope of the contract. Mr. Haak stated the scope begins with the mapping and surveying. The contract's next subsequent phase is design services. If engaged further, the next scope would be bid assistance and bid preparation. After the bid phase, if engaged further, the scope would include construction administration throughout the project. It is a phased contract; it is currently in the mapping and surveying phase.

Mr. Klug asked if The Foundation will be the primary contracting party, or if the CDDs will ever have a contract with Mr. Geiger's company. Mr. Haak does not believe that is contemplated at this time; the presentation is being given because the Board Members asked for the consultant to be available to answer questions about the project and what it entails.

Mr. Klug asked if it is known whether the improper connections within the sub-systems alluded to in the presentation are the result of faulty design or fixes performed on the system over the years. Mr. Haak stated he cannot speak to the original design; he will defer to Mr. Benet with regard to individual fixes of which he might be aware.

CDD #1 Board Member Mr. Torben Christensen stated, regarding Mr. Miller's question as to why Mr. Geiger is in attendance, it is based on the preliminary expense information provided by Mr. Cole to the CDD #1 Board, which generated questions about what the new system entails and what the CDDs and the villages would be spending money on.

Mr. Haak stated that Mr. Geiger's contract with The Foundation is not an open-ended contract; it has defined phases and scopes of work to be performed at defined and agreed upon rates. While he cannot speak to the amounts that Mr. Cole presented to CDD #1 for budgeting purposes, he was at the meeting where Mr. Cole presented his rationale, thoughts, and estimates, based on his knowledge and his review of the system and what he forecast for CDD #1. He noted that Mr. Cole has been included in the conversations and conferences with Mr. Geiger, so any assessments Mr. Cole provided are based on his beliefs, opinion, and the information.

Mr. Miller asked when more precise estimates of the cost and benefit will be available. Mr. Haak stated it will be when the design is complete, and the scope of work is put out to bid. Asked when that will be, Mr. Geiger stated that some HOAs are in the design phase and could be completed within the next couple of weeks. Mr. Haak stated the focus will be on CDD #1 first; design work is currently ongoing in the CDD #1 villages.

Mr. Miller noted that CDD #2's minutes reflect that CDD #2 will not be involved until the end of 2025 and into 2026. For the benefit of CDD #1, he noted that CDD #1 will have firm estimates long before CDD #2 has them.

CDD #1 resident Joe Vaccaro asked if the proposed system has been installed in similar communities in this area and if they realized any cost savings. Mr. Geiger stated that Verona Walk has a similar system, and one is being installed in Sterling Oaks in North Naples. However, both communities are much smaller than Fiddler's Creek.

Ms. Viegas asked for confirmation that the cost for the current contract with Mr. Geiger, for the phases noted, will not be charged to the CDDs or the villages. Mr. Haak stated the costs for the CDDs and villages will be incurred after the project goes out to bid for each area.

Mr. Haak stated The Foundation is paying for the mapping, surveying, and design phases. When the design is finished for CDD #1 and then the CDD #1 villages, it will go out to bid. CDD #1's scope and costs will be part of the bid documents. Mr. Cole will be involved in the entire process, and The Foundation will do nothing without Mr. Cole's involvement.

Mr. Tomazin asked about the decision-making process on the overall design process. Mr. Haak stated that question needs to be raised and answered at The Foundation Board meeting.

CDD #1 Board Member Mr. Joe Mayer asked if the villages will have any input in this decision and what happens if an HOA does not want to do it. Mr. Haak stated those questions should also be raised at The Foundation meeting.

CDD #1 resident Jack Combes stated the Baseline system being discussed is already installed in some of the new developments in Fiddler's. He lives in Cardinal Cove, which has considered for three years whether to rewire its irrigation system and has been holding back. They need to go to a two-wire system from a one-wire system. He feels like the Baseline system was already discussed, as well as the issues in the older CDD #1 villages. He wants to know if his village and others with an older system should install a two-wire Baseline system on their own or wait for this process to happen. He already has a quote from Aquamatics for the two-wire Baseline system.

Mr. Haak stated the design work for the villages Mr. Combes mentioned is being completed first, but the work in the villages to install the system will be done by the villages. They have not determined how The Foundation will help, if at all, with that expense.

Mr. Klug voiced his opinion that it sounds like each HOA can act independently, but Mr. Geiger was describing a master system that everyone has to be on within Fiddler’s Creek. Mr. Haak stated there must be master control of the irrigation system. If a village declines, that is a Foundation issue.

CDD #1 Board Member Mr. Frank Weinberg noted that the CDDs cannot pay for work on private property, so the CDDs cannot pay for or do any work on HOA property.

Mr. Schmitt asked for the next step for CDD #1. Mr. Haak stated that design information will be provided to Mr. Cole, who will have to do the design to use as part of the scope for the bid documents, and a cost will be calculated accordingly.

- **Adjournment: Fiddler’s Creek CDD #1**
This item was an addition to the agenda.

<p>On MOTION for Fiddler’s Creek CDD #1 by Mr. Schmitt and seconded by Mr. Mayer, with all in favor, the CDD #1 reconvened meeting adjourned at 10:41 a.m.</p>

The CDD #1 Board Members left the meeting.

FOURTH ORDER OF BUSINESS

**Update: Summary Judgment Hearing
(FCCDD #2 vs FCCDD #1)**

Mr. Miller recalled that a non-binding arbitration meeting was held, and CDD #2 prevailed, but CDD #1 did not accept the arbitration award and wants to litigate. Cross motions were made for summary judgement, in which CDD #2 prevailed. A Court Order was issued in favor of CDD #2 and CDD #1 will decide whether to appeal that decision. He believes the decision was issued on September 30, 2024; CDD #1 has 30 days to decide.

Ms. Viegas noted that, as of September, 2024, CDD #2 has spent \$62,159.70 on this litigation.

Mr. Klug asked if CDD #2 will pursue recovery of attorneys' fees from CDD #1. Mr. Miller discussed his understanding of the Statute and stated that Counsel will provide an opinion on the matter.

Mr. Tomazin asked how the traffic signal will be funded if the matter is not resolved. Mr. Miller stated, unless CDD #1 receives a stay, the Court Order stands. It was noted that the expense was already budgeted and the full \$200,000 would be applied to CDD #2's portion of the expense. Mr. Klug noted that the dispute would have no impact on CDD #2's contractual obligation to pay vendors.

FIFTH ORDER OF BUSINESS

**Update: Superior Waterway Services, Inc.
Treatment Report (for informational
purposes)**

Mrs. Adams stated that Mr. Nott's Report is included for informational purposes only, as it was decided at the last meeting that Mr. Nott's attendance at meetings is welcome, but not required. Mr. Nott arrived before the meeting, and Mrs. Adams suggested he go address Lake 65G; Mr. Nott was appreciative.

Ms. Viegas noted the Report looked good but the headers are missing. Mrs. Adams will inform Mr. Nott.

SIXTH 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: Hardwoods and palms were trimmed along Fiddler's Creek Parkway by the lake in Veneta. Fruited and regular palms in CDD #2 will be trimmed this month.

A. Irrigation and Pressure Washing Efforts

- Precipitation Data: The Report shows the range of precipitation for various areas was from 4.4" to 6.1" with the average being 5.27" in September, as compared to over 15" in each of the two prior months.
- Irrigation Projected Usage: There were three rain holds in the villages and three in the common areas.

Mr. Benet noted there was only 2.5" of rain from Hurricane Helene in September and 9" from Hurricane Milton in October.

- Water Usage: September 2024 usage was 51.8 million gallons, approximately three million gallons less than in September 2023.
- Irrigation Report: Some communication failures occurred due to Hurricane Helene. GulfScapes requested assistance on an inoperable satellite. A common and a 16-station board were blown and required replacement; a \$350.08 bill was sent to CDD #2 for the replacements.
- Pressure Washing: Crews are working on a long stretch of Fiddler's Creek Parkway. It has been a bad year on the sidewalks due to the hurricanes and with fronds and tree parts on the roads that stain them. Crews will move on to the CDD #1 villages 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 increased to 961 in September, from 922 in August. For comparison, occupancy was over 2,400 in the first week of February.

- Gatehouses and Patrols: 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 were just over 40,000 in September. During peak times, it is as high as 100,000.
- Incidents: Parking is the highest number of incidents in September, increasing from 15 in August to 47 in September. By-law violations decreased from 13 to 4. Medical incidents increased slightly from 14 to 17.

Mr. Miller asked what Officer Observations are. Mr. Hennessey stated it refers to things the officers observe, such as downed trees, broken or downed signs, or irrigation leaks.

- Speed Detection and Enforcement: The portable speed detection device was in use. Of the five violations in September, four were first-time offenders and received written warnings. One repeat offender was referred to the Fining Committee.
- The Collier County Sheriff's Office (CCSO) advised that there were 54 extra patrols, 17 medical calls, 15 accidental calls to 911 (hang-ups), 12 alarms, four suspicious persons or vehicles and three traffic stops or crashes.

Mr. Miller asked about suspicious person/vehicle calls. Mr. Hennessey stated that a resident might report a truck parked outside their home and, when they investigate, it is usually just someone on their break.

Mr. Klug discussed a water line blowout on Fiddler's Creek Parkway, during Hurricane Milton, which caused a road closure. He asked why the lanes on the other side could not be used for one lane in and one lane out to avoid U-turns. Mr. Hennessey stated that they worry about the nighttime, if people are not aware of the lane change, and the possibility of head-on collisions.

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

Mr. Haak reported the following:

- Development continues in Oyster Harbor. The last of the first set of Dorado buildings were turned over in October; eight buildings were turned over.

➤ Although hampered by weather and rainfall, work on the Golf Course and the Golf Clubhouse is ongoing.

Mr. Miller asked if any more homes sold in Oyster Harbor. Mr. Haak stated that the total has not changed since the last report.

Mr. Miller asked if there was any update on the next payment from Halvorsen. Mr. Haak stated that nothing has changed because work has not commenced. He thinks Mr. Cole provided an estimate indicating that work might begin at the end of this month. Mr. Cole worked through a contractor's request for a staging area, and the issue was resolved when the contractor secured another location and the means to do it. Mr. Miller asked if the manufacturing of the parts and the request to find a delivery location for them would satisfy Halvorsen's requirement. Mr. Haak stated no, the construction must commence.

Ms. Viegas asked Mr. Haak to confirm if the email that Mrs. Adams sent was enough on the landscape issue report for him to respond, since he does not accept comments at the meetings. Mr. Haak stated it was acceptable, but he has not had time to respond due to the hurricanes.

Ms. Viegas asked if Mr. Cole sent him what he needs for the Lykins-Signtek (Lykins) signs to determine if The Foundation should pay for them. Mr. Haak stated he did not. Ms. Viegas asked Mr. Dowty to remind Mr. Cole to send the proposal to Mr. Haak.

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

Mr. Dowty reported the following:

- The traffic signal work should commence at the end of the month. It is scheduled to be operating in January 2025, beginning with the burn-in period.
- The contracts are completed. AECOM is doing the CEI work. Construction meetings are being scheduled with the Florida Department of Transportation (FDOT).
- The Pumphouse 2 roof replacement building permit was delayed due to Hurricane Milton; the permit should be issued soon. Work should start in November.
- Vadala Bend and Chiasso Court repaving was completed.

➤ Mr. Cole met with Lykins, and he is working on getting the correct signs installed and temporary signs relocated to the correct locations. Lykins is supposed to send the schedule for work to be done this week.

Mr. Pires stated he handed out a letter he emailed to Lykins on October 18, 2024, stating the work must be completed by November 17, 2024. A response is pending.

➤ Lake repairs in Veneta were completed.

➤ A 6" irrigation pipeline was installed near the pumphouse in Aviamar. An easement use agreement from Aviamar will be requested.

Ms. Viegas explained that Aviamar is not a village, and stated that CDD #2 would need to know where it is located in Aviamar. It was determined that it was an Amaranda HOA decision to install a 6" irrigation line under Aviamar Circle without approval from the CDD, so an easement use agreement will be requested.

Mr. Haak stated that Mr. Benet became aware of the pipeline being installed, and Mr. Haak brought it to the attention of Mrs. Adams and Mr. Pires.

Mr. Miller stated that Amaranda needs to explain its position and request an easement.

Mr. Benet stated he spoke with the President of Amaranda, and she knew nothing about it, but said they are fighting with Pulte to repair the irrigation system issues, and stated that the HOA threatened litigation. Pulte apparently sent a subcontractor without informing the HOA of the scope or the timing of the repairs. Mr. Miller stated CDD consent for repairs is necessary.

Mr. Pires stated that both Pulte and Amaranda need to be put on notice because they actually committed a crime if they tied into the CDD's system without the CDD's knowledge. Mr. Benet stated that it was installed, but they have not tied into the CDD lines yet; however, they used CDD property to bore underneath the roadside and installed pipes on CDD property.

Mr. Miller asked Mr. Pires to send a very strong warning letter to Pulte and Amaranda. The paver blocks on Fiddler's Creek Parkway were reviewed; Staff is working with Timo Brothers to get a bid.

Ms. Viegas stated that matter is related to CDD #1. She asked about the sidewalk pavers in Aviamar. She noted that she spoke to the Bowman representative when he was in Millbrook and told him he needs to review all the paver sidewalks throughout Aviamar. She is concerned he did not do any further review because it was starting to rain and she saw his truck leaving

without stopping in Marengo. She asked for a complete update from Mr. Cole, at the next meeting, and a proposal from Timo Brothers for the repairs.

Mr. Dowty was unsure if this update applies to both CDD #1 and CDD #2’s issues; he will find out.

Mr. Klug gave Mr. Dowty two photos from Campanile, which showed sidewalks with painted “X” marks, that were not repaired. Ms. Viegas stated she saw the same thing on Fiddler's Creek Parkway and Sandpiper. Mr. Dowty stated that, in CDD #1, a quote was received that includes several aesthetic repairs. A quote that excludes the cosmetic repairs and addresses only the safety hazards was requested. Ms. Viegas stated the ones she saw are tripping hazards that were not fixed. Mr. Klug agreed about the safety hazards he observed.

Mr. Dowty stated that he will ask Mr. Cole to send the proposal for the Lykins signs to Mr. Haak.

NINTH ORDER OF BUSINESS

Discussion: Rules of Procedure Workshop

It was agreed that the Workshop will be scheduled to be held after the December 11, 2024 Regular Meeting. An advertisement will be placed accordingly.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2025-01, 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 since a date cannot be chosen or advertised until the workshop is held in December.

ELEVENTH ORDER OF BUSINESS

Discussion/ Consideration of GulfScapes Invoice for Cleanup Due to Hurricane Helene

Ms. Viegas asked why this invoice is being presented since The Foundation is responsible for cleanup after a named storm, as per Mrs. Adams’ Ops Report. Mrs. Adams

replied affirmatively and stated, while The Foundation is responsible for storm cleanup, the CDD was a mess after Hurricane Helene, and GulfScapes assisted with initial emergency cleanup.

Mr. Barrow stated they could not mow safely when they arrived on site, so Mrs. Adams gave them permission to come on Saturday to clean up leaves, palm fronds, etc. Multiple truckloads of debris were removed. Because Hurricane Milton was on a Wednesday, they used their mowing scheduled time for the cleanup, which is part of the contract, and The Foundation does not pick up leaf litter, small limbs, or palm fronds.

Mrs. Adams stated that The Foundation is responsible for named storm cleanup.

Mr. Miller voiced his opinion that this should be billed to The Foundation.

Mr. Barrow stated that the cleanup was needed after Hurricane Helene in order for his crew to be able to mow.

Mr. Haak stated that he did not tell GulfScapes to come to work; he has a contract for The Foundation to perform work, on behalf of the CDD, and he has a contract with a vendor to perform that work. He respectfully disagreed as to whether the removal of leaves was in the scope of work for Juniper, The Foundation's vendor. While he is not saying it is wrong, the CDD decided to have GulfScapes perform additional work.

Mr. Klug asked how this was handled in the past.

Mrs. Adams stated Mr. Barrow emailed seeking approval to work on Saturday due to the extent of the cleanup necessary. Mr. Barrow voiced his opinion that the safety issues with palm fronds all over the sidewalks and the road could not be ignored.

Mr. Miller thinks, if the CDD pays the invoice, then the CDD has a claim against The Foundation.

Mr. Klug stated his only concern is the precedent set.

Mr. Barrow stated that his crew was unable to mow during Hurricane Milton so they took that labor and directed it toward cleanup, in conjunction with the GulfScapes Landscaping Contract with the CDD, which includes mowing, trimming, detail work, pickup, and cleanup, every other week. Mr. Miller noted that this was a special circumstance after Hurricane Helene on a Saturday.

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, GulfScapes Invoice #34844 for Cleanup Due to Hurricane Helene, in the amount of \$1,200, was approved.

The consensus was that a claim will not be made against The Foundation.

Mr. Klug commended Mr. Barrow and GulfScapes on their responsiveness with regard to cleanup following several storms. Mr. Barrow expressed his appreciation and stated that he prioritizes safety and his company's reputation.

Mr. Nuzzo expressed his agreement and stated that GulfScapes does a wonderful job.

Ms. Viegas asked Mr. Barrow to provide details on future invoices, and to include a breakdown, including the number of hours, hourly rate, equipment costs, etc.

Mr. Barrow stated that there were at least six truckloads for CDD #2, and double that amount for CDD #1. The palm fronds alone filled several truckloads.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2024

Ms. Viegas stated she wants to bring items to the Board's attention based on transaction detail she requested for several line items. The "Interest and Miscellaneous" amount is very high because a \$10,000 insurance reimbursement for a streetlight claim is included. She asked for it to be reclassified to the "Insurance proceeds" line item.

Ms. Viegas recalled that she raised a question about the "Trustee" line item two meetings ago, because it was so high. She found that the CDD was charged for bonds that it does not have. Mr. Adams researched it and the CDD received a \$14,000 credit for incorrect charges. She has asked Mr. Adams to do further research to determine if incorrect charges were made prior to this year. She asked how the CDD can prevent it from happening in the future. Mr. Adams stated he will research previous years and, now that it happened, he will review the invoices in more detail.

Ms. Viegas noted that a charge totaling \$11,275 was made to the "Fountains" line item, but, according to Mrs. Adams' Ops Report, it has not been scheduled yet. She asked why it was billed. Mrs. Adams thinks she did not update her Report due to the hurricanes.

Ms. Viegas asked about a \$24,543 charge for bougainvillea at Oyster Harbor and Campanile, that was billed because according to Mrs. Adams' Ops Report, it has not been done yet. Mr. Barrow stated it was completed.

Mr. Miller asked who owes the \$20,451 in the "Due From Other" line item. Mr. Adams will check.

Mr. Miller asked about the "Undeposited Funds" line item. Mr. Adams stated that it is a timing issue related to a payment from the Developer; funds are not undeposited for very long.

Mr. Miller asked about the retainage. Mr. Adams stated it is usually for construction. Ms. Viegas and Mr. Adams both stated that it is for the pumphouse.

Mr. Miller asked what "Deferred receipts" are and from whom. Mr. Adams stated that they are monies due to the CDD, in October, to make the November 1 payment. Ms. Viegas explained that they offset "Due From Other" listings in assets.

The financials were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of September 25, 2024 Regular Meeting Minutes

The following changes were made:

Lines 400 and 407: Insert "Mr. Nuzzo" in the blank spaces. It was noted that the same person cannot both make a motion and second the same motion; a different Board Member must second any motion made.

Line 460: Insert "\$8,000 of" after "for"

Mr. Miller asked if any response was received regarding the small claims filing. Mr. Pires stated a Zoom pretrial conference is scheduled.

On MOTION by Mr. Klug and seconded by Mr. Miller, with all in favor, the September 25, 2024 Regular Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

Ms. Viegas discussed the Action/Agenda or Completed Items.

➤ It was decided that Item 4 will be added to the December meeting agenda. It was advertised, but there was only one response so they will advertise again.

Discussion ensued about local newspapers used for advertising.

The following changes were made:

- Item 6: Update with Mr. Pires’ information previously noted.
- Item 12: Updated to reflect that Mrs. Adams suggested The Foundation send the letter related to the Transformer Boxes, rather than the CDD. Mr. Haak did not recall the discussion; Mrs. Adams asked him to search his inbox for her email related to the matter.
- Item 9: Completed.
- Item 13: Update to reflect it as Mr. Cole’s action item.
- Item 15: Update to reflect it as Mr. Pires’ action item.
- Item 15: Completed.
- Item 7: Completed and update to reflect Resolution “2024-08”.

- **Irrigation/Landscape Action Items Update**

➤ As noted earlier in the meeting, Mrs. Adams sent a response to Mr. Haak on the landscape report. Mr. Haak needs to respond.

➤ Mr. Cole needs to send updates on the irrigation report to Mr. Haak.

Ms. Viegas asked if Mr. Cole responded to Mrs. Adams’ request for mappings showing where the CDD line ends and the Publix property line begins so this item can be addressed. Mrs. Adams said no. Ms. Viegas asked Mr. Dowty to remind Mr. Cole to respond to Mrs. Adams’ request.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Pires stated he sent follow up letters to the three homeowners who planted Clusia asking them to remove them. The letters advised that the CDD will remove the plantings if the homeowners do not. He distributed copies to the Board. No responses were received; the Registered Letters were just sent yesterday.

Regarding signage, Mr. Miller thinks the CDD is limited because there are no sign companies other than Lykins. Mrs. Adams stated she contacted two potential competitors to replace Lykins, but received no response yet, likely due to the hurricanes. She will follow up.

Mr. Pires stated he drafted an amendment to the Bowman contract to reflect the correct vendor's name of Bowman Gulfcoast LLC. He included all language required by Florida Statutes.

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

Mrs. Adams stated that CDD #1 canceled its November 13, 2024 meeting and requested that CDD #2 do the same, since no financials or minutes will be available.

Mr. Adams stated that the Bowman traffic signal contract, discussed at length at the last meeting, was executed; all the issues raised were resolved or changed.

- **NEXT MEETING DATE: November 13, 2024 at 10:00 AM**

On MOTION by Mr. Tomazin and seconded by Mr. Klug, with all in favor, canceling the November 13, 2024 meeting, was approved.

○ **QUORUM CHECK**

All Supervisors confirmed their attendance at the next Regular Meeting and a Workshop, which will be held on December 11, 2024.

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

The Operations Report was included for informational purposes.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Nuzzo and seconded by Ms. Viegas, with all in favor, the meeting adjourned at 11:36 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair