

**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, Audit Committee Meeting, Attorney-Client Executive Session and Workshop on December 11, 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 (via telephone)	District Manager
Cleo Adams	District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Richard Renaud	Fiddler’s Creek Safety Manager
Aaron Haak	Fiddler’s Creek Deputy General Counsel
Sean Van Den Broeck	Executive Director of Foundation Operations
Victor Ledezma	Fiddler’s Creek Landscape Manager
Mike Barrow	GulfScapes Landscape Management (GulfScapes)

Residents present:

Cesare Turin	Dennis Cullen	Robert Stropp	Debbie Giannitti
Ray Magill	Nat Pappagallo	Michael Buck	

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)

Mrs. Adams reminded members of the public of the three-minute time limit for public comments and that the Board will decide whether to address public comments at today's meeting.

Mr. Pires suggested tabling the Workshop regarding the Rules of Procedure to the January meeting.

On MOTION by Mr. Miller and seconded by Mr. Nuzzo, with all in favor, tabling the Workshop regarding the Rules of Procedure to the January meeting, was approved.

Resident Cesare Turin, of Oyster Harbor, distributed copies of his presentation regarding Lake 5 perimeter grasses and littorals. He discussed his presentation and photos of various areas and asked for the CDD to control the perimeter grasses that he thinks are uncontrolled and unsightly. He stated that there are 59 homes on Lake 5 and reported algae in several areas of the lake banks. In his opinion, if treatments were applied, they are not effective. He asked for an assessment to be done by Superior Waterways and for Lake 5 to be managed to look like Lake 6.

Resident Robert Stropp, of Oyster Harbor, distributed a handout regarding Lake 5 and discussed growth of the littoral area, which expanded over time. Mr. Klug stated he appreciates the problem and noted that some of the variation is due to fluctuating water levels. Mr. Stropp requested an assessment by Superior Waterways and a meeting to discuss recommendations and options, if any. Mr. Stropp discussed his Exhibit 9, a drawing of Lakes 5 and 6 and the required littoral areas, which shows that Lake 5 requires .3 acres of littorals, and Lake 6 requires 1.2 acres of littorals. He stated the photos show there are no visible littorals in Lake 6, and Lake 5 appears to have more littoral grasses than required. He complained that the lake view is obscured.

Mrs. Adams stated that she, Mr. Cole and Mr. Nott have worked with these residents on many occasions; she will present information at the next meeting. She stated the littoral shelves are mandatory and spikerush is planted along the rim of the lakes; littoral plantings are controlled but are never removed due to requirements. Mr. Stropp stated that he is not asking

for littorals to be removed, but he wants the “garbage grasses” installed in 2022 and 2023 to be removed.

Mr. Nott stated that those plantings are not grasses; rather, they are desirable spikerush that was planted for good reason. The 2024 photo included in the presentation depicts the desired result of the littoral shelf. Mrs. Adams reminded those in attendance that the previous contractor who was fired by the Board destroyed the required littoral shelf on Lake 5, and the entire littoral shelf had to be replanted so that the CDD would not be penalized by the South Florida Water Management District (SFWMD). It was noted that, if the spikerush is removed or killed, the littoral shelf would be out of compliance. Mr. Nott stated the picture of the east end of Lake 5 shows that the spikerush is being controlled. He noted that areas without plants help reduce the algae.

Resident Debbie Giannitti, of Menaggio, spoke on behalf of herself and other residents in her building regarding Lake 65G. She complained that spraying killed the littoral shelf in the last couple of years; it has been replanted after her previous complaints, but spraying at the other end of the lake affects the area in question. Ms. Viegas stated Mr. Nott’s report in the agenda includes photos of Lake 65G. This will be addressed by Mr. Nott during the meeting.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors [William Tomazin, Jr - Seat 1, Linda Viegas - Seat 3, John P Nuzzo - Seat 4] (the following will be provided in a separate package)

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. William Tomazin, Jr., Ms. Linda Viegas and Mr. John P. Nuzzo.

Mrs. Adams and Mr. Pires discussed the Sunshine Law requirements, email, prohibitions related to use of social media and using Staff as a conduit to speak with other Board members, and the requirement that any public records requests be sent to District Management.

- A. Required Ethics Training and Disclosure Filing**
 - **Sample Form 1 2023/Instructions**
- B. Membership, Obligations and Responsibilities**
- C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**

D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2025-02, Electing and Removing Officers of the District and Providing for an Effective Date

Mrs. Adams presented Resolution 2025-02. Ms. Viegas nominated the following:

- | | |
|----------------------|---------------------|
| Elliot Miller | Chair |
| Bill Klug | Vice Chair |
| William Tomazin, Jr. | Assistant Secretary |
| Linda Viegas | Assistant Secretary |
| John P. Nuzzo | Assistant Secretary |

No other nominations were made.

The following prior appointments by the Board remain unaffected by this Resolution:

- | | |
|-----------------------|---------------------|
| Chesley “Chuck” Adams | Secretary |
| Craig Wrathell | Assistant Secretary |
| Craig Wrathell | Treasurer |
| Jeff Pinder | Assistant Treasurer |

On MOTION by Ms. Viegas and seconded by Mr. Nuzzo, with all in favor, Resolution 2025-02, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.

The Board and Staff discussed adding Mrs. Adams as an Assistant Secretary.

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, Resolution 2025-02, Electing, as nominated, and Removing Officers of the District, as amended to add Mrs. Cleo Adams as an Assistant Secretary, and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

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

Mr. Nott presented the Treatment Report and noted the following:

- The lake survey was done on November 26, 2024 and no major problems were noted.
- The littoral shelves on Lakes 85 and 5 are improving.
- Minor issues, such as Torpedo Grass, will receive minimal ongoing treatment.
- Illinois Pondweed in Lakes 88, 89, 90 and 65F was treated and will be treated on an ongoing basis. During dry season, some of the herbicides used can be switched.
- Photos on Pages 14 and 15 depict issues on Lake 65G, mentioned earlier, which flows from the north. With all the rains, a lot of debris washed down, as indicated in the circled photos in the agenda book. The photos also show beneficial grasses that were choked out before; he expects to see recovery of the littoral shelf. Some plantings have been done as the water has receded. His team has been taking extra care with this lake and will continue to do so. Some plantings could be lost in the event of a severe drought.

Mrs. Adams suggested yellow canna plantings might help. Mr. Nott will review the area.

Mr. Tomazin asked if littoral shelves expand over time. Mr. Nott stated the lake bank plantings are for stabilization and water quality; littoral shelves are planted for other reasons and are generally contained. If they grow too far, technicians generally push them back to a good level.

SIXTH ORDER OF BUSINESS

**Health, Safety and Environment Report
(Ryan Hennessey)**

Mr. Renaud presented the PowerPoint and reported the following:

- **Security and Safety Update**
This item, previously Item 6B, was presented out of order.
- 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 each week in November with the exception of Week 4 due to the Thanksgiving holiday.

- 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 decreased slightly compared to October 2024.
- Incidents: Parking incidents decreased from 62 in October to 41 in November. Open garage doors increased from 41 in October to 52 in November.
- Speed Detection and Enforcement: The portable speed detection device was in use. Of the 12 violations in November, 10 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 57 extra patrols, 23 medical calls, 19 accidental calls to 911 (hang-ups), 12 alarms, three traffic stops or crashes and one petit theft. Accident reports include the Publix areas, and the petit theft was also at Publix.

Mr. Klug asked if the Fining Committee actually imposed fines. Mr. Haak stated he will find out the specific information. He stated that the next meeting will be held in January and, from a historical perspective, fines are almost uniformly imposed for speeding violations that come before the Fining Committee.

Mr. Miller noted that the report indicates that work has begun on the traffic signal and asked if the \$25,000 installment was received from Halvorsen. Mr. Haak stated that a request was sent to Halvorsen, but no response was received; he will follow up with Halvorsen.

Mr. Klug asked for the nature of the work being done. Mr. Miller stated that the light is being constructed off site. It was noted that no on-site work is currently underway.

A. Irrigation and Pressure Washing Efforts

- 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 were trimmed by the North Buffer Wall by U.S. 41.
- Precipitation Data: The Report shows the range of precipitation for various areas was from .5" to .65" with the average being .57" in November.
- Irrigation Projected Usage: There were 12 possible rain cycles and only two rain holds in the villages. There were 13 possible rain cycles and one rain hold in the common areas.

➤ Total Water Usage: November 2024 usage was approximately 62.6 million gallons, compared to approximately 59.8 million gallons in November 2023.

➤ Irrigation Report: Mr. Benet addressed a power outage at the 1-17 Veneta Entrance and replaced a blown fuse at the I-18 Sandpiper I satellite at no cost to CDD #2.

Regarding the blown fuse at Sandpiper, Mr. Miller asked if any advanced technology is available. Mr. Renaud replied no, as blown fuses are a safety feature.

➤ Pressure Washing: Crews are still working on Fiddler's Creek Parkway.

B. Security and Safety Update

This item was discussed before Item 6A.

SEVENTH ORDER OF BUSINESS

Developer’s Report/Update

Mr. Haak reported the following:

➤ Development continues in Oyster Harbor. Eight buildings are completed in Dorado, and work will begin on the ninth building soon, when permitting issues are resolved.

Mr. Miller asked if all the units in the eight completed buildings have been sold. Mr. Haak stated that 29 of the 32 units are sold; three are unsold.

➤ Work on the Golf Course continues; it is hoped that some holes will open soon. The Golf Clubhouse is in the inspection stage and it will be ready to be turned over soon.

Ms. Viegas asked if Mr. Haak responded to Mrs. Adams’ emails yet regarding the landscape and irrigation items. Mr. Haak stated he received the emails but has not yet responded. Ms. Viegas reminded Mr. Haak that, at the October meeting, he said he would respond.

Mrs. Adams stated that her Operations Report addresses the Publix sign, which is not the CDD’s responsibility.

Ms. Viegas asked if Mr. Cole sent the Lykins proposal to Mr. Haak so he can determine how much The Foundation owes. Mr. Haak stated he spoke with Mr. Cole, who will provide an update during his report.

EIGHTH ORDER OF BUSINESS

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

Mr. Cole reported the following:

- Unfortunately, the traffic signal work has been delayed. When Trebilcock designed the location of the signal poles, Subsurface Underground Exploration (SUE) used ground-penetrating RADAR to locate the utility lines in order to determine the placement of the poles. There are numerous utilities in the right-of-way (ROW) and it was very tight with the utility lines. The permit was issued based on the design.
- The temporary sidewalk relocations were paved to do the soft digging for the drill shaft holes, which are 6' in diameter. The base of the foundation to support the pole is 5' in diameter, so there is a lot of drilling to accommodate the utilities. They had a meeting yesterday based on what was found last week when they started digging. There are some minor conflicts that they can work around, but there is a major conflict with a Lumen fiber optic line. A meeting was held yesterday with Lumen and inspectors, and the Lumen line is approximately 2' closer than the SUE report indicated.
- The plan is to uncover the line 15' to 20' in each direction to be able to move it over carefully. Lumen indicated that would be acceptable to them under these conditions.
- Mr. Cole met with the contractor and stressed the need to finish the signal. He asked the contractor for a not-to-exceed price to uncover the line and move it over. A subcontractor, such as MasTec, would be engaged for this type of work. He was given a not-to-exceed price of \$50,000. AECOM would keep track of all the work and labor necessary to complete the line relocation. If this is not done and the CDD waits for Lumen, it will take months.
- The original plan was to have the signal operational at the end of January 2025 or the first week of February 2025. Based on this delay, the traffic signal is now projected to be completed in mid-April 2025. The original schedule called for the drill shaft team to begin this week; however, due to the conflict, the drill shaft team has to go to another project. They cannot wait for the fiber optic line to be moved, as there is only one drill shaft crew.
- Next week, the subcontractor will uncover the line to move it and Lumen will be there as they are the owner of the line. After the holidays, AIS will get the drilling crew back as soon as possible.

Mr. Miller asked if Lumen laid its line in an area that was not permitted. Mr. Cole stated the Lumen line is within the Florida Department of Transportation (FDOT) ROW; he does not know where Lumen's permit specified them to be, but Lumen is an existing utility the CDD was trying to design around. Mr. Klug asked how Mr. Cole knew the line was 2' off from where it should be. Mr. Cole stated the Trebilcock design was based on the SUE information; they had very little leeway to install the line between the fiber optic line and the sanitary sewer line.

Mr. Miller felt that, if Lumen obtained a permit for a different area, the CDD could have a claim against Lumen for the \$50,000.

The permit and the potential claim were discussed. Mr. Cole stated he does not know the location of where the line was permitted. Mr. Klug felt that it is a question of who will pay the \$50,000 and there is a potential consequential damages issue, to the extent that the CDD must incur additional cost. He thinks the question of accountability is valid; if the line is not where it was supposed to be or where it was thought to be, some element of negligence on the part of some party could attach accountability to Lumen so that it is Lumen's obligation to pay the \$50,000.

Mr. Miller does not want to waive the CDD's rights to make a claim by making a payment. Mr. Cole stated that he can have Justin Scofield, the Project Manager of AECOM, look into the matter, as he is the one who got Lumen there very quickly, and ask where Lumen's lines are shown on their permit. Mr. Cole reiterated that the CDD was designing based on the best information it had on a line that was already existing.

Mr. Klug asked Mr. Pires if the CDD can make the payment and reserve the right to make a claim.

Mr. Pires asked if the FDOT can send a notice to Lumen for interfering with an FDOT project to make them move the line at their cost.

Whether FDOT or the CDD have standing for a claim in another entity's ROW was discussed.

Mr. Pires noted that more research would be needed to justify damages to the CDD.

Ms. Viegas voiced her opinion that the CDD is pursuing the wrong party. She asked Mr. Cole if the information on which the CDD based the location of the pole was from SUE. Mr. Cole confirmed that it was the SUE information. Ms. Viegas stated that it is the subcontractor

who provided the SUE report that is the responsible party and is therefore the one we have to go after, not Lumen.

The Board and Staff discussed whether the claim would need to be made against a subcontractor to Trebilcock, or Hole Montes, which subcontracted Trebilcock, which retained the services of the SUE firm. Whether the CDD waives its right to possibly pursue accountability to the extent that a dollar expenditure is authorized today, whether a non-waiver clause is needed and whether to not authorize the expense and make a claim, were discussed.

Mr. Tomazin asked Mr. Cole if the described process to move the line will definitely correct the issue. Mr. Cole stated we will not know for sure until it is done.

Mr. Pires suggested the Board authorize processing a payment for a Change Order to the AIS contract to authorize relocation of the fiber optic line working with Lumen for a not-to-exceed amount of \$50,000, reserving the right to make a claim against the responsible party and indemnifying the CDD.

Mr. Miller expressed concern that the \$50,000 will only be the first payment. Ms. Viegas asked Mr. Cole if all the digging were done for the poles and if any other digging would be needed. Mr. Cole stated, to his knowledge, there is no other digging, except the 15' to move the fiber optic line. Ms. Viegas stated that, if only the four holes are needed, that should put Mr. Miller's concern to rest.

On MOTION by Mr. Klug and seconded by Ms. Viegas, with all in favor, authorizing a Change Order to the AIS contract for the utility line relocation associated with the Lumen line, in a not-to-exceed amount of \$50,000, and to make demand and/or claims upon the CDD's contractor or subcontractors demanding that they indemnify and hold harmless the CDD from any additional costs incurred based upon this information, was approved.

Mrs. Adams asked Mr. Pires to put together the contract wording for the Change Order.

Mr. Cole will email the proposal, the contract and the Bowman Agreement to Mr. Pires.

Mr. Cole distributed a proposal from Aquamatics for pipe repairs to Pumphouses #1 and #2. The pipes that go out of the pumphouse are old and rusty; the rust needs to be scraped off and the pipes need to be repaired.

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, the Aquamatics proposal for pipe repairs to Pumphouse #1 and Pumphouse #2, in the amount of \$1,000, was approved.

- Mr. Kevin Dowty, who filled in for Mr. Cole at the October meeting, reported at that time that the Pumphouse #2 roof replacement building permit was delayed. The permit has since been issued. It is hoped that the work is completed by the end of January.
- The lake repairs are substantially complete, mostly along Lake 65. Inspections will be scheduled.
- The Lykins-Signtek signs were installed. Six or seven permanent signs were installed above what the CDD called for. They are not charging the CDD due to the delays in finishing this project and putting the signs in incorrect places initially. Mr. Cole met with them; there are still temporary signs that Mr. Cole needs to talk to Mr. Haak about.

NINTH ORDER OF BUSINESS

Consideration of Timo Brothers, Inc. Interlocking Pavers and Concrete Proposal [Reset Concrete Pavers Aviamar St., #'s 3086, 3082, 3050, 2966, 2886, 2870, 2826, 2778 and Sitting Area]

Mr. Cole presented the Timo Brothers proposal for resetting of Aviamar concrete pavers. He noted that an irrigation line break is included in the proposal although it is not listed.

It was noted that the total amount of the proposal is \$3,900 and that no deposit will be given. Mrs. Adams will send the standard CDD contract and attach the proposal as an Exhibit.

The following changes will be made:

The area highlighted in yellow will be deleted.

Homeowners are not to be responsible for color or repairs to underground utilities, etc.

The Millbrook area between 3122 and 3126 Aviamar will be added.

“Aviamar St.” will be changed to “Aviamar Circle”

The “Sitting Area” will be deleted.

Ms. Viegas stated that additional areas might be added when all sidewalks are checked. The areas on the proposal only reflect the areas Ms. Viegas sent photos of to Mr. Cole. Ms. Viegas feels strongly there are other sidewalk areas in Aviamar, specifically Marengo and Amaranda, that need repairs. She does not feel the representative sent out to review the Aviamar sidewalks reviewed all the sidewalks as she requested. It was requested that Timo submit a corrected proposal with the changes listed above made to get them done. A future proposal may be needed for other sidewalk areas.

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, the Timo Brothers, Inc. Interlocking Pavers and Concrete Proposal, in the amount of \$3,900, as amended, was approved.

Mr. Klug asked Mr. Cole about the sidewalks with markings that he discussed at the October meeting that have not been repaired. He noted that the markings are faded now. Mr. Cole stated his colleague obtained the proposals for the work and, when they came in, the amount was more than expected and budgeted. A new proposal was requested; the raised areas must be more than 1/4" and repairs cannot be just for aesthetic reasons. Mr. Klug stated the sidewalks he mentioned have raised areas that exceed 1/4" and those repairs are not for an aesthetic reason. Mr. Cole stated he is obtaining a revised proposal. This item will be on the next agenda.

TENTH ORDER OF BUSINESS

**RECESS REGULAR MEETING/ANNOUNCE
AUDIT SELECTION COMMITTEE MEETING**

- **COMMENCEMENT OF AUDIT SELECTION COMMITTEE MEETING**

The Regular Meeting recessed and the Audit Selection Committee Meeting commenced at 11:20 a.m.

ELEVENTH ORDER OF BUSINESS

**Review of Responses to Request for
Proposals (RFP) for Annual Audit Services**

A. Affidavit of Publication

B. RFP Package

These items were included for informational purposes.

C. Respondents

- **Berger, Toombs, Elam, Gaines & Frank**
- **DiBartolomeo, McBee, Hartley & Barnes, P.A.**
- **Grau & Associates**

Mrs. Adams noted that a new auditor was sought as the Board was dissatisfied with the previous firm's service. Ms. Viegas recalled that the former auditor delivered the audit late each year and she found multiple errors in the audits for many years.

The Board and Staff discussed termination of the contract with the prior auditing firm.

It was noted that none of the auditors were in attendance.

Mr. Pires read from the Florida Statute stating the Board is also the Audit Committee that evaluates the bids. If the price is not a component, the other four areas evaluated would have 25 points rather than 20. The Board agreed that the price is a factor.

Mr. Klug asked if the evaluation form is in the statute. Mr. Pires stated it is not.

Ms. Viegas distributed a matrix to the other Board Members that she created outlining each bidder's response to information requested in the RFP.

Mr. Miller asked if the CDDs listed by Berger, Toombs, Elam, Gaines & Frank (BTEGF) were comparable to Fiddler's. Mr. Pires was familiar with them and said many of them are larger than Fiddler's. Mr. Miller asked if they were happy with BTEGF. Mrs. Adams stated they do some of Management's Districts and Mr. Adams seems happy with them.

Mr. Klug asked if, based on the timetable, a decision must be made today to stay on schedule to have the audit completed in time. Mrs. Adams replied affirmatively.

Mr. Tomazin thinks all bidders should be eliminated from consideration because they did not submit a plan.

Ms. Viegas referred Mr. Tomazin to the RFP document in the agenda book and stated a plan was not requested. She also stated, based on her 10-year background in creating RFPs and reviewing RFP responses, bidders cannot be penalized for not supplying something that was not requested. Her matrix that she distributed included the items that were requested and showed what each bidder supplied or did not supply.

The Board and Staff discussed the submissions and the selection process.

D. Auditor Evaluation Matrix/Ranking

The Audit Selection Committee Members individually scored and ranked the respondents. Mrs. Adams tallied the points and reported the scores and rankings as follows:

#1	Berger, Toombs, Elam, Gaines & Frank	407 points
#2	DiBartolomeo, McBee, Hartley & Barnes, P.A.	310 points
#3	Grau & Associates	285 points

TWELFTH ORDER OF BUSINESS

ADJOURN AUDIT SELECTION COMMITTEE MEETING/RECONVENE REGULAR MEETING

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, the Audit Selection Committee Meeting adjourned and the Regular Meeting reconvened at 11:50 a.m.

- **Award of Annual Audit Services Contract**

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with Mr. Klug, Mr. Nuzzo, Mr. Miller and Ms. Viegas in favor and Mr. Tomazin dissenting, accepting the Audit Selection Committee scores, ranking and recommendation to rank Berger, Toombs, Elam, Gaines & Frank as the #1 ranked respondent to the RFP for Annual Audit Services, as the Board’s own, and awarding the Annual Audit Services contract to Berger, Toombs, Elam, Gaines & Frank, the #1 ranked respondent, and authorizing District Staff to negotiate an agreement with Berger, Toombs, Elam, Gaines & Frank, was approved. [Motion passed 4-1]

ANNOUNCE ATTORNEY-CLIENT EXECUTIVE SESSION (CLOSED TO THE PUBLIC BY LAW)

Mrs. Adams recessed the Regular Meeting.

All members of the public left the room.

- **COMMENCEMENT OF ATTORNEY-CLIENT EXECUTIVE SESSION**
 - **Executive Session Regarding: Fiddler’s Creek Community Development District #2 v. Fiddler’s Creek Community Development District #1, Case No. 11-2023-CA-001612-001-XX Pending Litigation**

The Attorney-Client Executive Session commenced.

• **ADJOURN ATTORNEY-CLIENT EXECUTIVE SESSION/Reconvene Regular Meeting**

Mrs. Adams stated the Attorney-Client Executive Session adjourned at 12:03 p.m. and the Regular Meeting reconvened.

THIRTEENTH ORDER OF BUSINESS

Consideration of any actions required as a result of the Executive Session

On MOTION by Mr. Klug and seconded by Mr. Tomazin, with Mr. Klug, Mr. Tomazin, Ms. Viegas and Mr. Nuzzo in favor and Mr. Miller dissenting, instructing District Counsel to file the withdrawal of the claim for reimbursement of attorneys' fees, was approved. [Motion passed 4-1]

ANNOUNCE WORKSHOP (OPEN TO THE PUBLIC) /Convene Regular Meeting

• **COMMENCEMENT OF WORKSHOP**

A. Discussion: Rules of Procedure

Mrs. Adams stated it was agreed earlier in the meeting that the workshop would be tabled to the January meeting.

FOURTEENTH ORDER OF BUSINESS

ADJOURN WORKSHOP/RECONVENE REGULAR MEETING

This item was not necessary.

FIFTEENTH 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 tabled.

SIXTEENTH ORDER OF BUSINESS

Consideration of Bowman Gulf Coast, LLC dba Hole Montes Amendment to Agreement for Services [District Engineer]

Mr. Pires presented the Bowman Gulf Coast, LLC dba Hole Montes Amendment to Agreement for Services [District Engineer].

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, the Bowman Gulf Coast, LLC dba Hole Montes Amendment to Agreement for Services [District Engineer], was approved.

SEVENTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2024

Mrs. Adams presented the Unaudited Financial Statements as of October 31, 2024.
The financials were accepted.

EIGHTEENTH ORDER OF BUSINESS

Approval of October 23, 2024 Regular Meeting Minutes

On MOTION by Mr. Klug and seconded by Mr. Tomazin, with all in favor, the October 23, 2024 Regular Meeting Minutes, as presented, were approved.

NINETEENTH ORDER OF BUSINESS

Action/Agenda or Completed Items

- **Irrigation/Landscape Action Items Update**
This item was tabled.

TWENTIETH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: Woodward, Pires and Lombardo, P.A.**
 - **Consideration of SOLitude Lake Management, LLC Settlement Agreement**
This item was an addition to the agenda.

Mr. Pires stated the Settlement Agreement with SOLitude Lake Management LLC was included in the agenda and had already been signed by SOLitude. He stated the hearing in small

claims court was scheduled but SOLitude did not appear; however, they called Mr. Pires the next day. Mr. Pires had filed for \$8,000 and the parties agreed to \$6,750.

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, the SOLitude Lake Management, LLC Settlement Agreement, as presented, and authorizing the Chair to execute, was approved.

Mr. Pires stated the letter to Amaranda and Pulte requested by the Board at the October meeting regarding the unauthorized pipeline will go out today.

Ms. Viegas asked if the homeowners who were sent letters to remove the Clusia responded. Mr. Pires stated they had not. Ms. Viegas stated next steps need to be decided since the letter stated if there was no response the CDD would remove the Clusia at the homeowners' expense. This item was tabled to the January meeting.

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

- **NEXT MEETING DATE: January 22, 2025 at 10:00 AM**
 - **QUORUM CHECK**

All Supervisors confirmed their attendance at the January 22, 2025 meeting.

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

The Operations Report was included for informational purposes.

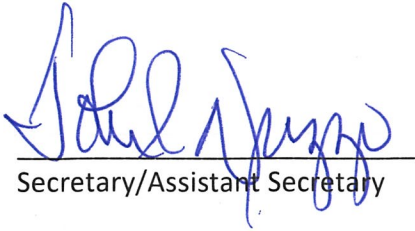
Ms. Viegas asked for the status of the Aviamar fountain since the contractor stated in an October 21, 2024 email that he would check the warranty and make a proposal. The fountain is still not working correctly. Mrs. Adams will ask the contractor for an update.

TWENTY-FIRST ORDER OF BUSINESS

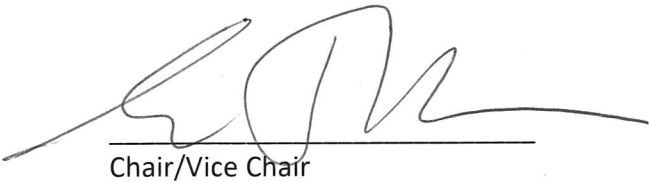
Adjournment

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, the meeting adjourned at 12:13 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair