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 September 24, 2025 at 10:00 a.m., at the Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present:

Elliot Miller	Chair
Linda Viegas	Vice Chair
John Nuzzo	Assistant Secretary
William Tomazin Jr.	Assistant Secretary
Scott Spitzer (via phone)	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Tony Pires	District Counsel
John Baker III	Hole Montes, a Bowman Company
Aaron Haak	Fiddler's Creek Deputy General Counsel
Ryan Hennessey	Fiddler's Creek Director of Community Services
Jody Benet	Fiddler's Creek Irrigation Manager
Mike Barrow	GulfScapes Landscape Management (GulfScapes)
Robert Engler	Crystal Waterscapes
Maritza Stonebraker (via phone)	Berger, Toombs, Elam, Gaines & Frank
Michael Buck	Resident

FIRST ORDER OF BUSINESS **Call to Order/Roll Call**

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

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

SECOND ORDER OF BUSINESS **Public Comments: Non-Agenda Items (3 minutes per speaker)**

No public comment cards were submitted and no members of the public spoke.

THIRD ORDER OF BUSINESS **Discussion: Reissuance of Annual Financial Report**

- **Memorandum to the Board**

Mr. Miller stated that two memos, one dated today and another dated September 16, 2025 were received from the auditor, Berger, Toombs, Elam, Gaines and Frank (BTEGF). He had issues and questions on each. He asked if anyone from BTEGF was on the phone. Mr. Adams stated three representatives from the firm were on the phone.

Mr. Miller indicated that he takes exception to the statement in the memorandum stating, "It is in both our best interest and the Board's best interest for the Board to take full ownership of any additional changes." He does not understand why it is in the Board's best interest that the auditors deny responsibility. He also takes exception to the statement, "If any changes result in a material misstatement, our audit opinion will be modified to reflect that misstatement." Mr. Miller stated the Board would not make a material misstatement.

Mr. Tomazin believes that, from the auditor's view, it means if it were determined there is an adjustment needed that is material then they would revise their opinion.

Ms. Stonebraker confirmed that the statement means that, if the Board provided additional revisions, BTEGF would review the report and make sure the report is still in compliance with Generally Accepted Accounting Principles (GAAP), as the report currently is.

Mr. Miller asked for the modifications in the September 24, 2025 memo to be explained.

Ms. Viegas stated that she reviewed the revised audit included with the memo, line-by-line, and there were no changes. The modifications referred to in the memo were made to the prior revised draft and had already been reviewed at the previous meeting. Ms. Stonebraker stated that is correct; the current report is the same report that Ms. Viegas analyzed and will be considered the reissued report.

Mr. Tomazin stated he sent an email to Management and Ms. Stonebraker with his proposed changes and asking if there is a deficiency in internal controls and he asked for a memo answering that question; in his opinion it is addressed tersely in the memo. Ms. Stonebraker stated that the memorandum noted that "The omission of the language in the previously issued report did not represent a departure from GAAP, nor did it affect the District's financial position, results of operations, or compliance with laws or regulations. Our independent auditor's opinion remains unmodified, and no changes have been made to the underlying financial statements." That being said, the original report was compliant with GAAP, and the additions that were made to enhance clarity and consistency, at the Board's request, will be deemed the reissued report, which is still in compliance with GAAP and, therefore, BTEGF did not determine a finding to be an internal control issue.

Mr. Tomazin disagreed with the fact that some of the disclosures he raised are compliant with GAAP. He thinks very specific provisions are prescribed in the accounting literature and he understands Ms. Stonebraker's view that the changes would not be viewed as material changes to the financial statements. In his opinion, the fact that disclosures were not included is in fact a deficiency in internal controls. Even though it might not be material to the financials he is concerned about what could have happened, and he expected that to be addressed. He voiced his opinion that, by default, it is a significant deficiency because the Board is discussing it. He stated he spoke with Ms. Stonebraker, but he has not heard from the District Management team and is concerned if internal controls are not identified and fixed. He wants to understand what controls are in place and why no deficiency exists. He asked if Mr. Adams is prepared to comment.

Mr. Adams stated he is not in a position to make any comment, but he will obtain a copy of the Internal Controls Policy. Mr. Miller asked if District Management reviews the draft audit. Mr. Adams replied affirmatively and stated the Controller, who was previously a governmental auditor, reviews the draft audits.

Discussion ensued regarding whether to accept the financial statements and whether to ask Mr. Pinder to call in.

- **Annual Financial Report FY2024 [Revised Draft]**

Mr. Tomazin stated he does not disagree with the financials presentation and asked if any report would need to be modified if there is a deficiency in internal controls. Ms. Stonebraker stated that one of the letters would be adjusted if a deficiency is added. Mr. Tomazin acknowledged that he does not understand the processes and internal controls of District Management but voiced his opinion that the changes to the financial statements indicate a deficiency that cannot be judged from the memo.

Mr. Miller asked Mr. Tomazin for his conclusion and recommendation regarding whether to accept the most recent revised draft report. Mr. Tomazin stated he cannot accept the audited financial report until he sees more details regarding the internal controls, the criteria for inclusion of data, and the reasoning regarding whether a deficiency exists.

Mr. Miller stated he trusts and relies on Mr. Tomazin's judgment due to his career in auditing. Further explanation is needed. Mr. Tomazin stated he would like Mr. Pinder to attend a meeting and address the internal controls.

Mr. Nuzzo, Ms. Viegas and Mr. Spitzer stated they would rely on Mr. Tomazin's expertise and not accept the current report until Mr. Tomazin's perceived deficiencies are explained.

Mr. Miller asked that Mr. Pinder attend the next meeting and asked if Ms. Stonebraker would be available. Mr. Adams stated he must check with Mr. Pinder and will have him call in if possible. Ms. Stonebraker stated she could call in.

Ms. Viegas stated she wants to add a few comments based on her interactions with Ms. Stonebraker on her issues. She noted that Ms. Stonebraker was not the audit director in charge at the beginning of this audit; she became involved in May, when the original director retired.

Ms. Viegas stated some of the financials the Board received were not complete. For example, one of the amortization schedules for the bonds was cut off in the approved budget resulting in different totals from the audit. She stated that she and Ms. Stonebraker "agreed to disagree" on some of the other verbiage. Ms. Stonebraker did agree to review several suggestions Ms. Viegas made for the next audit, including giving more detail of the reasons for differences in year-to-year comparisons, and additional footnotes for clarifications regarding types of balances. Ms. Viegas stated that Ms. Stonebraker did not produce the letters that stated the auditors met with the Board; no such meetings took place. Ms. Viegas stated she was very disappointed that BTEGF did not offer a discount since they did not fulfill their promise to submit the audit in a timely manner; the audit was not received until June 30, 2025, the date when it was supposed to be approved and submitted to the State.

Mr. Tomazin discussed a note on Page 6 of the audit relating to a change in understanding regarding the decrease in current assets and increase in restricted assets that went from $1 million to $3 million. He spoke with Ms. Stonebraker, who stated there was a change in understanding between the previous auditor and BTEGF. Mr. Tomazin asked Ms. Stonebraker to recall the explanation she gave. Mr. Miller asked what the assets refer to because all the CDD has is cash.

Ms. Stonebraker stated that the previous auditor reported certain investments as current assets and BTEGF reports them as non-current assets, as seen on Page 10.

Ms. Viegas explained that the assets are invested in the Federated Hermes Treasury Obligations Fund, as shown on Page 24, that was questioned in a previous meeting.

The approval of the revised draft of the Annual Financial Report FY2024 was deferred until the next meeting.

A. Consideration of Resolution 2025-07, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2024

This item was deferred.

FOURTH ORDER OF BUSINESS **Update: Superior Waterway Services, Inc. Treatment Report**

The August 2025 Lake Treatment Report was included for informational purposes.

Ms. Viegas voiced her opinion that the report looks good, and it appears everything is under control.

FIFTH ORDER OF BUSINESS **Health, Safety and Environment Report (Ryan Hennessey)**

Mr. Hennessey presented the PowerPoint and reported the following:

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

➢ Tree Canopy Trimming: Juniper is continuing with the second round of trimming the fruited and date palms throughout CDD #2. Crews are currently in Oyster Harbor and Mussorie.

A. Irrigation and Pressure Washing Efforts

➢ Precipitation Data: In August 2025, the average rainfall was 9.41". Last August it was 15.06".

➢ Irrigation Projected Usage: In August, the villages had four rain holds and the common areas had six. Total water usage in August 2024 was 41,528,061 gallons and August 2025 usage was 43,801,660 gallons.

➢ Pump Station Usage: Pump Station #1 is still working in a supportive role until it is fixed.

➢ Irrigation Report: There were a few communication failures last month due to lightning strikes, but they did not result in any money being charged to CDD #2.

It was noted that in August there was a 5" variance in the amount of rain received at the golf course and in Veneta.

➢ Pressure Washing: Crews completed work on Village curb drains off Fiddler's Creek Parkway and Championship, Fiddler's Creek front monuments, Marsh Cove, and signs and benches at the Aviamar front entrance. Crews are working in Veneta and Runaway now. The map was updated.

Mr. Miller asked why communication failures happen so frequently. Mr. Benet stated it is because the equipment is 25 years old; there are a lot of power outages, and the system is very sensitive.

Ms. Viegas asked if Mr. Benet has a new assistant, as she saw someone driving around with him. Mr. Benet replied affirmatively and noted he will not be here much longer.

B. Security and Safety Update

Mr. Hennessey reported the following:

➢ Gate Access Control: Both phone numbers are operational. Community Patrol's phone number is 239-231-9878, which 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, which should be called to add vendors or visitors to the list. Information can also be emailed to safety@fiddlerscreek.com.

➢ Occupancy Report: Overall average weekly occupancy in August was 897 compared to 913 in July, a slight decrease.

➢ 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 gates decreased from 39,716 in July to 38,407 in August.

➢ Incidents: Open garage doors, medical calls, and residential complaints were most common, similarly as the previous month. There were 13 medical calls in August.

➢ Speed Detection and Enforcement: The portable speed detection device was in use in two locations, Marsh Cove and Sandpiper Drive. Mr. Hennessey stated that last month speeding was reported in the locations; extra patrols were also added. First-time offenders accounted for 10 of 11 violations; they received written warnings. One repeat offender was referred to the Fining Committee.

- Per the Collier County Sheriff's Office (CCSO), there were 63 extra patrols in August, 13 medical calls, ten accidental calls to 911 (hang-ups), nine alarm calls, and two hazardous incidents related to suspected gas leaks.

Mr. Spitzer asked if Mr. Hennessey could provide more than just a month-over-month comparison and add year comparisons. Mr. Hennessey asked for which specific reports. Mr. Spitzer thinks speeding violations and incident reports would be helpful in evaluating trends. Mr. Hennessey will include the information in the next report.

SIXTH ORDER OF BUSINESS **Discussion: Wall Bordering Museo Circle**

Mr. Baker stated the inspector walked the wall with GulfScapes. Multiple sections of the fence will need to be replaced in ten to 12 areas. Proposals will be requested for GulfScapes to remove and replace landscaping to access the wall, and for the wall repairs; he hopes to present the proposals at the next meeting.

Ms. Viegas asked about the vegetation proposal as an option rather than replacing the wall sections. Mr. Baker will request two proposals, one with the wall repaired and replacement vegetation, and one with wall removal and vegetation added. He will work with Mr. Barrow.

Mr. Tomazin asked if the school behind the CDD's wall has a fence. Mr. Barrow stated the school has a fence, and there is a canal behind the wall. The area has very heavy vegetation.

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

Mr. Haak reported the following:

- Work continues at The Club & Spa area. A large part of the new parking lot is available for use. Work continues on the pickleball courts and tennis pavilion.
- Work on the main campus and Gator Grille continues. New signs were put out informing people that they could be arrested if they go into those areas. People are still entering the areas.
- The schedule remains as previously stated. Completion is due by the end of October or early November.
- The area off Runaway Lane is completed.
- Work continues on Building 13 in Dorado.

Mr. Miller asked when the Dorado pool will be built, as he believes it would help sales. Mr. Haak stated construction is a phased process. The pool will be completed in the future per the Developer's plan.

Ms. Viegas asked if the summary report from the Irrigation Consultant was reviewed and what are the next steps. Mr. Haak stated the report was received and noted there was a corporate change; the company was acquired by another company. They are working that out.

Ms. Viegas asked if the timing of the project changed. Mr. Haak stated it has not.

EIGHTH ORDER OF BUSINESS **Engineer's Report/Update: Bowman Company**

In Mr. Cole's absence, Mr. Baker reported the following:

➢ Nothing has changed with the traffic signal.

Ms. Viegas asked about the costs to date as requested by Mr. Nuzzo and reflected in the meeting minutes. Mr. Cole was supposed give a report to Mr. Baker to present. Mr. Baker stated Mr. Cole hopes to have the report done by October 10, 2025.

Mr. Nuzzo asked when the traffic signal would be totally operational. Mr. Baker stated the projected completion date for the signal is the end of October 2025; his firm is not the Engineer for the project and can only provide updates based on the information received.

➢ The fair share calculation for 7-ELEVEN was approved by the County. Mr. Cole will prepare a summary of the costs when he returns.

➢ Mr. Baker has been working on the Pump House #1 replacement documents. He received Mr. Pires' comments. Metro PSI's technical comments should be received by the end of the week. He hopes for a pre-bid meeting in October.

➢ The stones around yard drains on Quilcene Lane in Oyster Harbor were installed. He is working with GulfScapes to address resident complaints. The system is working but the drain grates get clogged with debris. Staff is working to ensure that inlets work until debris can be removed.

➢ Campanile drainage: MRI completed its work. John Baker is working to find out where they dumped the material they removed and how much they got. MRI submitted a proposal to do ROV testing for blockage further down the drain.

- Mr. Baker has been talking with Mr. Benet and sent some emails to MRI regarding the second irrigation loop discussed at the last meeting. He had nothing more to report on the irrigation items.

NINTH ORDER OF BUSINESS **Continued Discussion: Existing Sign Inserts**

Ms. Viegas reminded the Board that Mr. Baker distributed a map and proposal from Lykins-SignTek at the last meeting to obtain new street signs or replace faded ones. She visited every location and looked at the service proposed for each. The report in the agenda book includes photos of the signs she is questioning, along with her comments. She asked Mr. Baker to explain the criteria that were used in determining what signs need to be replaced and what new signs need to be added.

Mr. Baker stated they look at the sign structure to see if it is damaged or deteriorating, if the sign inserts show fading or wear, and if the signs still have reflectivity.

Referring to the agenda, Ms. Viegas discussed the photos and report she provided and stated she conducted her review of the signs during the day so she cannot address reflectivity.

- The first location was at Museo Circle and Campanile. There are three 3-way signs under stop signs. One was completely faded. The other two were not as bad. The cost to replace the signs is $210 each.
- The second location is Chiasso Court. The recommendation is to add a street sign for Campanile on the street post. Ms. Viegas stated she went all around Campanile Circle, and every other street sign for a street off Campanile has a Campanile sign. She asked how this one was missed, and who initially installed them. The Board did not think the Campanile Circle sign needed to be added. The cost is $525. The sign should be deleted from the list.
- The third location is Carmini Court for replacement of a 25 MPH (miles per hour) insert. Ms. Viegas noted it does not look like the other signs; it looks like a different font as if someone had painted in the numbers. The cost to replace the sign is $295. The consensus was to replace the sign.
- The fourth location was Carmini Court and Campanile. The recommendation is to replace the stop sign insert for $275. Ms. Viegas stated she did not see anything wrong with the sign. Staff recommended replacing the sign due to limited visibility.

- The fifth location was Mussorie Court to replace the stop sign insert. Ms. Viegas stated it looked like paint dripped on it but, the sign looked fine otherwise. The cost is $275. Staff recommended replacing the sign rather than trying to remove dried paint.
- The sixth location was on Serenity Court. The recommendation is to replace the divided highway sign with a yellow diamond sign for a cost of $310. Ms. Viegas thought it looked fine but a little dirty. She questioned the need for a yellow diamond since all the other divided highway signs are black and white and a rectangle. Mr. Baker will revisit the sign with the inspector. While he believes the insert should be replaced, the yellow diamond might not be necessary.
- The seventh location is at Serenity Court at Aviamar Circle. It is for replacement of a 25 MPH sign insert. The cost is $295. Ms. Viegas stated the line around the sign had a few sections peeled off. Mr. Baker will revisit the sign and advise.
- The eighth location is a 15 MPH sign on Aviamar Circle across from Marengo Court. Ms. Viegas thinks the sign looks fine. The cost is $295 to replace the insert.
- The ninth location is a right bend arrow sign at Amaranda Court and Aviamar Circle. The recommendation is to straighten the pole at a cost of $130. Ms. Viegas stated it is a temporary sign and is barely leaning. With the heavy rains the ground gets soft, and it leans. Since it is a temporary sign there is no concrete and none should be added since it is temporary until construction in Aviamar is complete.
- The tenth location is at each corner of the intersection of Sandpiper Drive and the entrance to the Aviamar community, and the intersection of Sandpiper Drive and the entrance to the Oyster Harbor community. There are six stop signs in total. Four are 4-way signs, one is an All Way sign, and one is a standard stop sign. The recommendation is to make them all "All Way" signs at $365 each. Ms. Viegas asked why not change the one All Way sign to 4-way since the others all look fine. Mrs. Adams thought Lykins told her at one point that 4-way was no longer used. Mr. Baker will follow up.
- The last location is on Oyster Harbor Boulevard to replace Pavement Ends and 500 FT inserts with yellow diamond signage. Ms. Viegas asked Mr. Haak if construction would be continuing down Oyster Harbor Boulevard, making the sign obsolete at some point.

Referring to a map, Mr. Haak advised that construction will continue but he does not have a timeline. The cost is $310. Ms. Viegas voiced her opinion that there is no reason to replace the inserts or change to a yellow diamond shape since the sign is temporary.

Ms. Viegas asked Mr. Baker to have his technician review the locations she raised to see if the ones that look fine in the daylight may have reflectivity issues to determine if they need to be changed.

> **On MOTION by Ms. Viegas and seconded by Mr. Tomazin, with all in favor, directing the District Engineer to review the issues raised and provide an opinion; and elimination of the $525 Campanile sign, $130 straightening of the temporary right bend arrow sign, and $310 Pavement Ends and 500 FT inserts on Oyster Harbor Boulevard signage, were approved.**

TENTH ORDER OF BUSINESS **Discussion: Irrigation Action Items**

Ms. Viegas stated she compared the new list to the old list. Items 7, 8 and 9 are new. 7 and 8 state they are resolved. A note was also added to Item 6 stating there was an in-person meeting on August 6, 2025 with Nick and Mr. Baker and two representatives from QE USA. Ms. Viegas noted that Mr. Cole's updates provided the last time the list was reviewed were not included.

Mr. Baker stated he had no additional updates.

The list will be reviewed at the next meeting.

ELEVENTH ORDER OF BUSINESS **Consideration of Goals and Objectives Reporting FY2026 [HB7013 - Special Districts Performance Measures and Standards Reporting]**

Ms. Viegas asked if the report referenced in Goal 2.1 was provided in the past year and voiced her belief that Mr. Cole submitted one in previous years. Ms. Viegas stated the report she is recalling covered every section for which the District Engineer is responsible.

Mr. Adams presented the Goals and Objectives Reporting Fiscal Year 2026 Performance Measures and Standards and noted that it will be necessary to authorize the Chair to approve the findings related to the 2025 Goals and Objectives.

Mr. Adams stated that the document is designed to satisfy the legislative requirements. He will ask Mr. Cole, as the District Engineer, to opine on the infrastructure and related systems to satisfy the goal. Mr. Cole did a sidewalk review and is in the community monthly.

- **Authorization of Chair to Approve Findings Related to 2025 Goals and Objectives Reporting**

Mr. Tomazin stated the new, recently adopted Rules of Procedure are not on the website. Mr. Adams stated there is a certain list of documents that must be posted on the website. The Rules of Procedure are not required to be posted; therefore, Goal 1.3 is achieved.

Mr. Pires stated that, while they are not required to be posted on the CDD website, he suggested posting them as they were revised, and as long as the mandatory items are posted, the criteria were met.

Mr. Tomazin asked Mr. Adams to provide the Statute that states that this is not required to be posted. Mr. Pires noted that unfortunately, the details are scattered throughout the Statutes. Mr. Adams will forward the list of required documents to the Board and to Mr. Pires.

Mr. Tomazin voiced his opinion that Goal 3.3 was not achieved because the audit has not been accepted. Mr. Adams noted that the audit was transmitted to the State, and an updated version might be transmitted. Mr. Miller suggested the wording of the goal be changed to "approval is under consideration."

On MOTION by Mr. Miller and seconded by Mr. Nuzzo, with all in favor, authorizing the Chair to approve the findings related to the 2025 Goals and Objectives Reporting, as amended, was approved.

The following change was made to the Goals and Objectives Reporting Fiscal Year 2026 Performance Measures and Standards:

Goal 1.3: Insert "required" after "other"

Mr. Tomazin expressed his personal opinion that these are silly goals if they are written so that the CDD meets them every time. It was noted that Goal 1.1 says that a minimum of two meetings will be held per year and suggested that the number be increased. Mr. Adams agreed with the futility of this mandated exercise and stated the bill that created this requirement was to be reconsidered but it was not addressed during this Legislative Session.

On MOTION by Mr. Miller and seconded by Mr. Nuzzo, with all in favor, the Goals and Objectives Reporting Fiscal Year 2026 Performance Measures and Standards, as amended, was approved.

TWELFTH ORDER OF BUSINESS **Update/ Fountains: Crystal WaterScapes (Robert Engler)**

Mrs. Adams stated that, in addition to the report in the agenda, she emailed additional information to the Board for review.

Mr. Engler stated work on the Veneta fountain structure is complete and the fountain is back on. One pump is still not working.

Mr. Engler asked if the irrigation was ever turned off in that area. Mr. Barrow stated the irrigation was not shut off, but it may not have gone on because there was a lot of rain. Mr. Engler stated that the fountain stopped leaking, and he is unsure if it was because the irrigation did not go on.

Mr. Engler stated the water that was coming out of the holes in the Veneta fountain stopped. They made a well point, a way within the structure for the water to go if it leaks again.

Mr. Miller expressed concern about the Aviamar and Veneta proposals. Mr. Engler stated, while the fountains are old and there were questionable repairs, the Veneta fountain is not in terrible shape. He noted that one pump is not working, but it works beautifully even though one layer is not functional.

The Veneta lighting proposal had two options. One for about $50,000 to replace all the lights and add additional lights that would make it extremely bright. The Board agreed that level is not necessary.

Mr. Miller asked if the Veneta lighting proposal can be deferred since the lights are working now. Mr. Engler replied affirmatively. The Board agreed to defer the Veneta lighting proposal.

Ms. Viegas asked for the location of the referenced equipment area where the pieces of saved tile are stored. Mr. Engler and Mrs. Adams stated it is behind the hedge.

It was noted that the other Veneta lighting option is $23,000 with less lights, utilizing what is present, electric supply wise.

Ms. Viegas noted that, if the proposal is revisited, she would like more detail in the breakdown, especially the number of labor hours rather than lump sums, and an explanation of why the quantity of lights does not match the number of new PVC black cord seals in one of the sections. She stated this request for more detail breaking out lump sum numbers applies to all his proposals.

The Board and Staff discussed the Aviamar fountain proposal for $207,000.

Mr. Engler stated it should actually be more than that, but, because he is doing so much work here and will be providing maintenance on all the fountains, the CDD is getting a break on the price. Mr. Engler discussed the antiquated equipment and stated the fountain is supposed to have dancing water features. The proposal will bring the fountain back to how it is supposed to be.

Mr. Engler discussed structural issues and hydraulic leak issues with the Aviamar fountain. He stated his crew dug under the fountain until they got one-third of the way across the fountain. There was a huge gap between the dirt and the bottom of the fountain. There was a hole where the sumps were. Water was coming through, which typically happens when plastic is connected to concrete. The plastic PVC pipe is cracked all the way up into the concrete. They could not find the pipe that goes to the two side sections of the fountain which Mr. Engler refers to as the "Mickey ears." The pipe goes 10' deep. One old suction line is capped because it has a big crack. He can make a way for the water to get to the manifolds, remove the sumps that leak, and get the side sections to work.

Discussion ensued regarding the problems in the fountain, the proposal recommendations, etc.

Mr. Miller asked if there are any alternatives to the costs in the proposals, noting that, while the costs seem reasonable, it is a very large expenditure. Mr. Engler stated that there is no alternative repair he can suggest. Ms. Viegas stated that the CDD has nothing with which to compare this proposal and asked District Management if this must be bid due to the cost.

Mr. Spitzer would like another quote. Since there are structural issues, he asked for the cost to demolish this fountain and build a completely new fountain. He expressed concern about the contract documents that only give a one-year warranty.

Mrs. Adams stated the contract she sent Mr. Spitzer is not for this proposal. It was provided as an example only, since it has not been approved; there is no contract for it yet.

With regard to structural issues, Mr. Engler stated, if it is concrete it is going to crack. There are cracks in every fountain in the CDD. He will guarantee there will be more cracks but that does not mean it is a structural failure and needs to start from scratch.

Ms. Viegas asked if obtaining additional proposals is required. Mr. Pires discussed the considerations and stated this would be considered construction, not maintenance, which does not have to be bid until $400,000. In his opinion, the CDD is not legally required to bid this work. Ms. Viegas raised the issue because she thought replacing materials and not constructing a new fountain would be considered maintenance. Mr. Adams stated it would be considered capital outlay.

Mr. Miller asked how long the project would take. Mr. Engler stated it would take three to four weeks to get the new pumps. He can start on the rest of the work next week. He stated that five pumps run the system; a good bit of equipment was removed, and all five pumps need to be replaced.

Mr. Tomazin asked if the District Engineer can meet with Mr. Engler to understand the proposal and provide an engineer's viewpoint.

Mr. Pires stated a book of photos of what is there and what Mr. Engler has found, including all the construction defects, detailed plans and specifications, engineer drawings, and information regarding permit fees, is needed so the Board knows exactly what it is getting.

Mr. Engler stated he does the drawings and has an engineer that can do the specifications. He stated the hole would need to be filled at this time and noted that laborers and engineers do not work for free; these items would add another $10,000 to the cost. Ms. Viegas stated the hole does not need to be filled in to add additional cost. She asked Mr. Hennessey if he could put more protection around the area in addition to the caution tape. Mr. Hennessey said he would add cones.

Ms. Viegas asked for the quote to be more detailed. She noted areas in the proposal that need further clarification and voiced her opinion that there are too many lump sums. She asked for the proposal to specify how many hours, the hourly rate, etc. She asked for assurances that the proposal cost is a hard cost that cannot be exceeded. She noted that the proposal states a 6' hedge will be removed and sod might need to be replaced. She asked Mr. Barrow to get involved and determine how much the additional cost would be. She asked how long it would take to complete all the work if the proposal is approved. Mr. Engler estimated two months.

Mr. Pires wants a detailed report with warranty information outlined; he will work with Mr. Engler on this.

Mr. Nuzzo asked about the Oyster Harbor fountain report. Mr. Engler stated the fountain was built by a swimming pool engineer who did not know what he was doing. He did not understand flow rates, he undersized on pumps and flow rates, which is why there are issues.

Ms. Viegas asked if anything else needs to be done right now since the Oyster Harbor fountain is working. Mr. Engler stated the Oyster Harbor fountain needs a filtration system.

Mrs. Adams asked Mr. Engler to provide a proposal for the Oyster Harbor fountain filtration system.

THIRTEENTH ORDER OF BUSINESS **Acceptance of Unaudited Financial Statements as of August 31, 2025**

Ms. Viegas distributed the transaction detail report for Capital Outlay-Traffic Signal and the Bowman Invoice that was processed in the August financials in the agenda book. She wanted to make clear the issue she has raised in past meetings since it continues to occur. The Bowman invoice was $13,515.15. It was all charged to the traffic signal. She believes only $7,097.40 should have been charged to the traffic signal and the remaining $6,417.75 should have been charged to General Services, which includes projects split with CDD #1. She added that this is the reason the Engineering line item is only 19% of the budget year to date. It has not been getting charged for months because the Bowman invoices have all been charged to the traffic signal. She reiterated that every Bowman invoice needs to be reviewed since the traffic signal project started.

Ms. Viegas noted that the Bowman invoices are supposed to be broken into two tasks: one for the traffic signal and one for general services. On the invoice she passed out there were traffic signal items in the general services sub task. She thinks there are errors on Bowman's part and on District Management’s part that need to be corrected.

Mr. Miller asked for the current interest rate the CDD gets from Synovus. Mr. Adams stated it is still 3.6%.

Mr. Miller asked what the “Due from FCC Aviamar” line item on the Balance Sheet is for and what the Accounts Receivable are. Ms. Viegas stated the same numbers have been on the Balance Sheet for months. Mrs. Adams stated she asked about the FCC Aviamar amount. Mr. Adams stated the Accounts Receivable reflects outstanding amounts due.

Mr. Miller asked what the miscellaneous revenue in the “interest and miscellaneous” line item refers to. Ms. Viegas stated she requested the transaction detail, and it is the $50,000 payment from Halvorsen. Mr. Adams noted that the remainder in the line item represents interest from Synovus Bank.

Mr. Miller asked about Field Management Services. Mr. Adams stated it is oversight of the projects in the field. It is their expense.

Mr. Tomazin stated it appears the audit was paid for. Ms. Viegas stated it was paid with no discount. They were paid the contracted amount, which is disappointing.

Mr. Tomazin questioned the irrigation supply system. Mr. Adams stated it refers to the pump stations; the delta is due to project delays. He suggested the Controller comment on the internal controls related to classification of expenditures and stated, while he is grateful that Ms. Viegas performs this function, it should be a Management responsibility.

The financials were accepted.

FOURTEENTH ORDER OF BUSINESS **Approval of August 27, 2025 Public Hearing and Regular Meeting Minutes**

The following changes were made:

Line 80: Delete "/" after "founding"

Line 111: Change "thinks" to "confirmed"

Ms. Viegas asked when the Board would receive the copy of the fees for the refinancings with FMS bonds, as noted on Lines 213 and 214. Mr. Adams stated they should have them by the next meeting.

On MOTION by Mr. Tomazin and seconded by Mr. Miller, with all in favor, the August 27, 2025 Public Hearing and Regular Meeting Minutes, as amended, were approved.

FIFTEENTH ORDER OF BUSINESS **Action/Agenda or Completed Items**

Ms. Viegas reviewed the list.

Items 5, 7, 9, 12, 13 and 19, 21, 22, 24 were completed.

Item 5 was completed. Mr. Adams stated he distributed the requested memo to the Board.

Item 18: No discount was received. This item will remain on the list.

Item 19 was completed. Mr. Adams distributed information on the Hermes fund to the Board.

Item 20: Mr. Haak refused to send an e-blast so item should be deleted.

Item 21 should be Mrs. not Mr. Item is completed but review of all Bowman invoices is still required.

Item 26: The amount will need to be changed once items Ms. Viegas raised are deleted and Mr. Baker presents the other items reviewed. A proposal will be submitted at a future meeting.

SIXTEENTH ORDER OF BUSINESS **Staff Reports**

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

Mr. Miller asked to defer the Sunshine Law presentation and to have it as a separate item earlier on the next agenda. Mr. Pires agreed.

Regarding Amaranda and the irrigation line installed on CDD property without CDD approval, Mr. Pires discussed the Easement Use Agreement with Pulte and Amaranda. He is working on itemizing his costs. They are cooperating and seem agreeable to pay the costs.

Regarding the Veneta and Aviamar fountains, after reading the most recent reports, Mr. Pires needs to speak with Mr. Engler regarding work done by Architectural Fountains, who is the only contractor they could go after.

Mr. Haak stated that he has listened to Mr. Engler offer his opinions and references to the original designs of the fountains and the Developer and has not responded as this is not the forum for debate. He believes those opinions are not accepted or shared by the Developer and Staff. If the time comes where there is such an opinion, Mr. Pires knows the process. Mr. Miller noted that Mr. Haak is not waiving any rights.

- **Sunshine Law, Public Records refresher**

This item was deferred.

Ms. Viegas asked Mr. Pires to remind the Board about the required ethics training we need to take by when, and how to access it next month. She also asked him to remind the Board about Form 1 and when that needs to be completed and how.

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

Mr. Adams reminded the Board that $250,000 is included in the budget for fountain repairs. Mr. Miller and the Board stated they know but did not expect to spend it all before the fiscal year begins.

Ms. Viegas asked Mrs. Adams if she followed up with Delta Fountains to help review the fountains and give their opinion of what needs to be done. Mrs. Adams stated she spoke with them, and they do not recommend bringing in another engineer. She noted that the owners live in Marco Island.

Mr. Tomazin suggested an email to inform the Village Presidents and Aviamar residents regarding the fountain project. Mrs. Adams stated The Foundation has an email list.

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

A quorum check was not done.

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

The Operations Report was included for informational purposes.

SEVENTEENTH ORDER OF BUSINESS **Supervisors' Comments**

There were no Supervisors' comments.

EIGHTEENTH ORDER OF BUSINESS **Adjournment**

On MOTION by Mr. Tomazin and seconded by Mr. Miller, with all in favor, the meeting adjourned at 12:22 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

____
Secretary/Assistant Secretary

____
Chair/Vice Chair