

**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 January 24, 2024 at 10:00 a.m., at the Fiddler’s Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.

Present were:

Elliott Miller	Chair
Bill Klug	Vice Chair
Linda Viegas	Assistant Secretary
John Nuzzo	Assistant Secretary
William Tomazin Jr.	Assistant Secretary (appointed at meeting)

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Tony Pires	District Counsel
Terry Cole	District Engineer
Joe Parisi	Developer’s Representative
Jon Phillips	Director, Foundation Operations
Ryan Hennessey	Fiddler’s Creek Director of Community Services
Aaron Haak	Fiddler’s Creek Deputy General Counsel
Jody Benet	Fiddler’s Creek Irrigation Manager
Victor Ledezma	Fiddler’s Creek Landscape Manager
Eric Mannisto	Superior Waterway Services, Inc.
Mike Barrow	GulfScapes Landscape Management
Michelle Rose	Resident
Michael Buck	Resident
Sue Leone	Resident
Scott Spitzer	Resident
Margie Cardillo	Resident
Joe Vaccaro	Resident
Nat Pappagallo	Resident
Charlene Tomazin	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 10:00 a.m.

***Disclaimer:** These minutes are a summary of the meeting and are intended to highlight the topics discussed, items considered and actions taken.*

Supervisors Miller, Nuzzo, Viegas and Klug were present. Supervisor DiNardo was not present.

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

This item, previously the Third Order of Business, was presented out of order.

Mrs. Adams stated two comment cards were received.

Resident Michelle Rose discussed a home on Kumamoto that she believes is missing landscaping; the home is visible across the creek from her home and the surrounding homes have landscaping. She described the home and provided photos and her address to Mr. Parisi. Mr. Parisi stated he will look into it. He believes it is a Developer issue.

Resident Michael Buck presented a handout and discussed what he thinks is a health and safety concern that has been going on for some time related to the release of Diatomaceous Earth in the pool water within Menaggio. He stated a pipe runs from the pool to the curb gutter and then it runs 250' and drains into the lake. When filters are backflushed, the water carries a white powder called DTE, a known carcinogen, down the street. The Diatomite powder can cause cancers if breathed into the lungs.

Discussion ensued regarding how DTE is produced and treated, the preference for Menaggio to stop utilizing DTE, etc.

Mr. Buck stated he brought this to the attention of Menaggio and, on some occasions, the treatment stopped, but then resumed. Mr. Miller stated the CDD is also a victim, and he thinks that Mr. Pires should advise Menaggio to rectify the problem.

Mr. Buck stated the concern is that wind is picking up the Diatomite powder and blowing it in the air and the swale in CDD #2 property.

Mr. Pires discussed the question of who owns the property; he noted that, if the CDD has an easement, it does not own the property. Referring to a displayed map, Staff determined that the area in question is in the right-of-way (ROW) owned by the CDD.

Mr. Miller asked Mr. Pires to write a firm letter to Menaggio. Mr. Pires stated, given that the area in question is in the CDD's ROW, the letter will be drafted, accordingly.

Mr. Buck was asked to email the photographs, including the dates they were taken, to Mrs. Adams.

SECOND ORDER OF BUSINESS

Moment of Silence in Remembrance of Vicki DiNardo

Mr. Miller stated Ms. DiNardo was a Board Member for many years. Her passing is a great loss as a Board Member and as a friend.

Each Board Member spoke as to Ms. DiNardo’s contributions to Fiddler’s Creek and the Board. She was dedicated to her community and will be greatly missed as a Board Member, Condominium Association member, friend, and neighbor.

THIRD ORDER OF BUSINESS

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

This item was presented following the First Order of Business.

FOURTH ORDER OF BUSINESS

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

- **Consideration of Mediated Settlement Agreement**

Mr. Miller stated, with regard to the litigation against CDD #1 for its anticipatory breach of the Interlocal Agreement, CDD #1 filed a request for mediation, as the CDD has the statutory right to do. A mediation was held.

Mr. Parisi noted that mediations are privileged communications.

Mr. Miller stated he is aware of that; he will state the result and will not divulge what happened at mediation. He stated the result of the mediation was an agreement by CDD #1 to concede 75% of its claim. His personal feeling is that, if CDD #2 proceeds with the litigation, CDD #2 would win 100%, but to proceed, CDD #2 would incur additional attorney fees, so the Mediated Settlement Agreement was made to settle for 75% in CDD #2’s favor, rather than continuing litigation. He stated that CDD #1 approved the Mediated Settlement Agreement, and it is now before the CDD #2 Board for comment.

Mr. Klug motioned to table this item until the CDD #2 Board has an opportunity to meet in Executive Session, with Special Counsel, to discuss the case and the Mediated Settlement Agreement before undertaking a decision.

Discussion ensued regarding the matter.

On MOTION by Mr. Klug and seconded by Ms. Viegas, with all in favor, tabling consideration of the Mediated Settlement Agreement, and scheduling an Executive Session with Special Counsel, was approved.

- **Consideration of Resolution 2024-01, Declaring a Vacancy in Seat 1 on the Board of Supervisors; and Providing an Effective Date**

This item, previously the Tenth Order of Business, was presented out of order.

Mrs. Adams presented Resolution 2024-01.

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, Resolution 2024-01, Declaring a Vacancy in Seat 1 on the Board of Supervisors; and Providing an Effective Date, was adopted.

- **Discussion/Consideration: Appointment of Qualified Elector Candidate to Fill Unexpired Term of Seat 1; Term Expires November 2024**

This item, previously the Eleventh Order of Business, was presented out of order.

Mr. Miller stated each candidate's resume was reviewed by the Board. He asked each candidate to discuss what in their background they believe would be most relevant to the Board and what in their background would help the Board in future deliberations.

Mr. Klug asked Mr. Pires if the Board is statutorily obligated to fill the seat, or if the seat can remain vacant until the election. Mr. Pires stated he will look up the statute, which he recalls is not very clear.

Mr. Parisi introduced Mr. Victor Ledezma, the new Landscape Manager, who will be responsible for reviewing CDD and Foundation properties. He stated Mr. Ledezma has extensive landscaping experience, and he will be an asset to The Foundation. He will provide monthly reports going forward.

Mr. Pires read Section 190.006, Subsection 4, as follows: "If, during the term of office a vacancy occurs, the remaining members of the Board shall fill the vacancy by an appointment for the remainder of the unexpired term." He stated that no timeframe is outlined in the Statute; his advice has always been to make an appointment within a reasonable amount of

time. While there is no mention of sanctions, he generally recommends making an appointment within 30 to 60 days.

Mr. Klug noted that the term for Seat 1 expires in November 2024, and whoever is appointed to the seat will have to run for reelection, should they wish to retain the seat.

Ms. Viegas stated her seat and Mr. Nuzzo's seat are also up for election.

Mr. Miller asked each candidate for Seat 1 to discuss why they feel their background would be helpful for the Board.

A. Candidates for Vacant Seat

I. Sue Leone

Resident and candidate Sue Leone discussed her background and responded to questions. She stated she worked in the auto industry for 33 years; she is a people person accustomed to working with all kinds of people from around the world. She is very involved in the community and serves as the Homeowner's Representative on the Oyster Harbor Board. She serves as the head of the Lake Committee and is the Village President at her community in Michigan. She is a permanent resident for six months of the year. She has lived in Fiddler's for seven years and has attended CDD, Foundation, and Oyster Harbor HOA meetings.

II. Scott Spitzer

Resident and candidate Scott Spitzer discussed his background and responded to questions. He is a lawyer in a sole legal practice representing entrepreneurs, small businesses, and growth companies, with an office in DC. He discussed his business and legal background and stated he has been active in civic affairs in every community he has lived in, including serving on the Winding Cypress CDD Board for about nine months. He is a full-time resident and has lived in Fiddler's for approximately one month. He served in numerous positions including Chair of the Planning and Zoning Board and Chair, Deputy Mayor and Mayor of Basking Ridge Township, New Jersey.

III. William Tomazin Jr.

Resident William Tomazin Jr. discussed his background and responded to questions. He and his wife Charlene have been residents for about seven years, beginning as seasonal residents in Serena and now as permanent residents in Chiasso. He spent over 39 years with KPMG and was an Audit Partner for 30 years. As an audit partner, his clients included Boards and he worked with Board Members, Developers, and on compliance matters. He has attended

a few CDD meetings. He served on the National Association of Corporate Directors, the Chicago Shakespeare Theater, and serves on the Chiasso Village Board’s Finance and Irrigation Committees. He stated he has an understanding of the condo coach home community from living in Serena, and, making the full-time transition to Chiasso; he has experienced the growth from 2017 onwards.

On MOTION by Ms. Viegas and seconded by Mr. Klug, with Ms. Viegas, and Mr. Klug in favor and Mr. Miller and Mr. Nuzzo dissenting, appointment of Ms. Sue Leone to Seat 1, was not approved. (Motion failed 2-2)

On MOTION by Mr. Miller and seconded by Mr. Nuzzo, with Mr. Miller, Mr. Nuzzo and Mr. Klug in favor and Ms. Viegas dissenting, appointment of Mr. William Tomazin Jr. to Seat 1, was approved. (Motion passed 3-1)

B. Administration of Oath of Office to Appointed Supervisor

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. William Tomazin Jr. She provided an informational packet and reviewed the guidelines for interactions among Supervisors, emails, public records retention, and recordkeeping. Mr. Pires further explained the Sunshine laws, which prevent any Board Member from interacting with any other Board Member outside of a public meeting about any CDD matters or any matters that might come before the CDD Board. Mr. Pires will email further resources and PowerPoints to Mr. Tomazin.

- **Consideration of Resolution 2024-02, Appointing and Removing Officers of the District and Providing for an Effective Date**

This item, previously the Twelfth Order of Business, was presented out of order.

Mrs. Adams presented Resolution 2024-02. Ms. Viegas nominated the following slate:

Chair	Elliott Miller
Vice Chair	Bill Klug
Assistant Secretary	Linda Viegas
Assistant Secretary	John Nuzzo
Assistant Secretary	William Tomazin Jr.

No other nominations were made. Prior appointments by the Board for Secretary, Treasurer, Assistant Treasurer, and Assistant Secretary Craig Wrathell, remain unaffected by this Resolution.

On MOTION by Ms. Viegas and seconded by Mr. Nuzzo, with all in favor, Resolution 2024-02, Appointing and Removing Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

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

Mr. Eric Mannisto, from Superior Waterways (Superior), noted the following:

- Over the past 30 days, significant progress has been made treating torpedograss.
- As of last week, every lake has received its January treatment. Technicians will continue to monitor certain lakes.
- Lake 90 had a problem with dead material; technicians weeded out the entire lake, which took several days because it is a very large lake.
- Littoral growth is observable in Lakes 90, 65G and 5, where SOLitude replanted. The littorals might go dormant again if there is another cold snap, but they will continue to grow.
- Torpedograss looks very similar to Saint Augustine grass; however, it grows in the water.
- So far this month, six extra visits were performed. Additional extra visits will be performed to prepare for spring and remain ahead. Rain has impacted the work because rain washes off the herbicides, which can delay treatment.

SIXTH ORDER OF BUSINESS

Presentation of Pesky Varmints, LLC Cane Toad Control

- **Consideration of Proposal**

Mr. Miller noted that cane toads move around; none live entirely on CDD property. They are also a problem for The Foundation and the HOAs.

Ms. Viegas asked if the Board wants the vendor to make a presentation. Mrs. Adams noted that the vendor will make a presentation at the March meeting if the Board would like them to.

Mr. Miller stated he would like insight as to the extent to which the CDD can control cane toads, since they move around. Mrs. Adams stated the CDD can only treat from the high-water mark into the lake; anything above the high-water mark is the responsibility of others.

Asked why the Board is considering this, Mrs. Adams stated a resident complained about cane toads by their front door. She advised that the CDD can only address issues on CDD property; it will take cooperation from all parties to remedy the cane toad issue.

Resident Michael Buck stated he feels it is a CDD issue because the eggs are laid in the lakes, and that is when they should be addressed, before they grow bigger.

Mr. Miller suggested it be addressed at the lake level. Mrs. Adams stated that is not the only issue; residents are concerned about their pets, and, in her experience with other CDDs, it takes cooperation from all parties to effectively treat cane toads.

Mr. Klug noted that CDD #2 cannot address the issue on a standalone basis.

Asked what CDD #1 has done, Mrs. Adams stated there have been no complaints about cane toads. Ms. Viegas recalled hearing a woman complain about cane toads at a Foundation meeting and stated Mr. Parisi indicated that it is a CDD issue, which it is not. She read from the article provided by the vendor, which states that the eggs and tadpoles are in an early stage of life for such a short time that it is hard to find and remove them.

Mr. Klug suggested exploring the possibility of a treatment at the lake level that the CDD can consider applying. Ms. Viegas stated the contractor traps and removes adult cane toads, they do not treat lakes according to the material they provided.

Discussion ensued regarding the need for a community-wide solution, for The Foundation to take the lead if it wants to address it, etc.

This item will be removed from future agendas.

SEVENTH ORDER OF BUSINESS**Health, Safety and Environment Report**

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 trimmed palm trees in Veneta, on Sandpiper Drive, and on Fiddler's Creek Parkway in December, finishing the contract for 2023. No trimming is planned for January and February, which is the same as last year.

A. Irrigation and Pressure Washing Efforts

- Irrigation Projected Usage: Approximately 3.28" of rain was received in December, compared to the average of 1.7". There were three rain holds in the villages and there were two in the common areas. Due to the rain, total water usage was approximately 51 million gallons, compared to approximately 60 million gallons in December 2022; a reduction of approximately 20%.
- Irrigation Report: There was only one repair necessary in December. The Irrigation Manager made several weekend visits to address satellites that failed to communicate.
- Pressure Washing: Sandpiper Drive is complete, and the team is working on Championship Drive. The oil spill around the Veneta Fountain was addressed; the party responsible for the oil spill is unknown. The map was updated for 2024.

Ms. Viegas asked if Mr. Benet's assistant resigned. Mr. Hennessey replied affirmatively.

B. Security and Safety Update

Mr. Hennessey reported the following:

- Gate Access Control: Community Patrol's number is 239-919-3705; Community Patrol should be called for assistance with Security. 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: Occupancy totals averaged 1,713 homes occupied in December, a decrease of approximately 3%. Numbers are increasing rapidly in January.
- Gatehouses and Patrols: Sandpiper, Championship, and the Main gates are operational 24 hours a day, seven days a week. There are two patrols per shift.
- There was an increase in gate arm damage in January. Residents often try to follow the previous car, rather than letting the gate come down between vehicles. Officers are usually able to collect information and obtain reimbursement for the damage about 50% of the time.

Mr. Miller asked if sending offenders to the Fining Committee was considered. Mr. Haak stated that would work if the offender were a resident; in other cases, they try to find out who provided access to the individual, to pursue them for payment. Mr. Parisi stated they would go to small claims court for vendors, if necessary; so far it has not been necessary.

Mr. Tomazin voiced his opinion that the functionality at the three gates is different and asked if that has to do with the RFID. Mr. Hennessey stated it is mainly related to the angle at

which the RFID is placed and the type of vehicle; residents need to be patient, as some register from 3' away and some register from 5' away. Mr. Parisi stated the distances also vary when entering and exiting the community.

Mr. Hennessey stated the cost to replace a gate arm is approximately \$950; in many cases, the gate arm is just knocked off, but not damaged, so it can be reinstalled.

- Gatehouse Activity: There were approximately 2,600 daily gate entries in December, an increase of approximately 7%.
- Incidents: Open garage doors increased approximately 118%; road patrols have checked on these when reported. Road patrols routinely check for any "By-Law violations" such as any violations that violate community covenants.
- Violations that are referred to the Fining Committee include parking violations and By-Law violations.
- Speed Detection and Enforcement: Both the portable and fixed speed detection devices are currently being re-calibrated. They will be returned next week; since they were not in use for much of December, only three violations were issued; none were referred to the Fining Committee.
- The Collier County Sheriff's Office (CCSO) advised that there were 80 extra patrols in December. There were eight alarms, 14 911 hangups, 18 medical calls, and 11 traffic stops.
- A Safety Committee Meeting was held two weeks ago; last week a synopsis was sent to keep residents informed.

Mr. Klug stated a lot of dirt bike activity in the nature area behind Museo has been reported. He asked what steps have been taken to discourage that activity and asked if where the bikers are coming from is known. Mr. Hennessey stated the area in question is near Museo just off the end of Fiddler's Creek Parkway. "No Trespassing" signs were purchased for the area; the CCSO was made aware of the issue, and trail cameras will be used to identify the ATVs and dirt bikes. There are numerous points of entry off US41, and dirt bikes require a very small opening to get in. It is unlikely that many, if any, dirt bikes are coming from within the community.

Ms. Viegas asked how often the Traffic Hawks are re-calibrated. She stated they seemed to be out of service for a long time. Mr. Hennessey stated he will have them re-calibrated annually; they were out of service longer than he expected. He is unsure of the cost.

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

Mr. Miller asked how many homes were sold in Oyster Harbor. He also asked for the status of the next Halvorsen payment.

Mr. Parisi stated he will have Mr. Haak email the sales office for the number of homes sold.

Mr. Cole stated the permit has not been received yet, so the criteria for the Halvorsen payment has not yet been met. Mr. Parisi asked Mr. Cole to send the permit to him when it is received, so that he can forward it to Halvorsen.

Mr. Parisi reported and discussed the following:

- Development continues in both Oyster Harbor and Dorado.
- The construction compound is still under an SIP filed yesterday, under Mr. Cole's office, so that additional storage structures can be added.
- The golf clubhouse is still under construction.
- A discussion will be held with Mr. Cole regarding the Environmental Resource Permit (ERP). The construction needed for the golf course renovation requires some modification; Lake 70, which has been added, will incorporate various lakes on the north side of the golf course that are part of Hidden Cove and Live Oaks. Connections to other lakes in the community will be made and water management areas will be revised with no negative impact. Mr. Cole will discuss the details. Mr. Pires will discuss the need for an Agreement.
- Golf course renovations will begin on April 1, 2024.
- The north marina construction, which is not on CDD property, will begin in mid to late-March, with projected completion in December.
- The Dog Park contracts are being finalized. This is a Foundation matter; construction updates and a schedule will be provided when available.
- He and Mr. Cole are finalizing the Agreement with the irrigation construction manager for the Baseline system. When the contract is finalized, a conceptual design of the various communities will be presented, beginning with older communities. Final design and costs will be developed, financing options will be presented, etc. As the project progresses, a better timetable will be provided to the Board.

➤ The Gator Grille 2 plans are still with the Architect; the design is not yet complete. The spa on the second floor is still under design; permits are not yet issued. It is difficult to estimate when Gator Grille 2 will be completed, particularly due to the boardwalk extension around the side of the lake; the permitting process takes months and major work must be done outside of season. Approximately 60 parking spaces will be added to the parking lot.

Ms. Viegas asked about the cupola at the Championship gatehouse. Mr. Parisi stated he heard the same issue from others, and someone is looking into it.

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

Mr. Cole discussed the following:

➤ Regarding the Traffic Signal Permit, the Florida Department of Transportation (FDOT) is in the process of approving the insurance certificate submitted by the contractor last week. He does not know how long it will take for approval; it could be 30 days.

Mr. Cole distributed a handout titled "Fiddler's Creek CDD 1 & 2 Proposed Improvements Summary" regarding the ERP and the South Florida Water Management District (SFWMD) permit modifications, prepared by Grady Minor. Mr. Pires will draft an Agreement of Understanding as to the Developer and Engineer requirements related to the CDDs, as specified in the permit modifications. The CDDs will be the holder of the permits, as the Operation & Maintenance (O&M) entity for the SFWMD permits.

Mr. Cole reviewed the areas on the map and what basins were in each area on the golf course, Live Oaks, and Hidden Cove.

Grady Minor, who prepared the handout, will do the work necessary to update the permits required. He is satisfied with Grady Minor's progress; there are no negative impacts to the CDD.

Mr. Pires stated he has concerns but they can all be covered in the Agreement. The CDD is responsible for compliance with the permits.

Discussion ensued regarding the need to indemnify the CDDs, liability for compliance, and the Developer's responsibilities for insurance and maintenance.

Mr. Pires recommended authorizing him to work with Staff to develop the Agreement, which will be reviewed at the next meeting. The consensus was to proceed.

- Paver repairs in Amaranda were completed.
- The Amador swale project work is underway. He met with the contractor yesterday, and the work is projected to be completed within the next month.

Mr. Klug stated numerous Ficus hedges were cut down and numerous stumps and hedges were left behind. Mr. Cole stated two contractors are involved; GulfScapes took the Ficus down, and Juniper removed the stumps. A series of stumps were removed and replaced with Clusia; however, a series of stumps could not be removed due to their proximity to the guardrail. Clusia will be planted to hide the stumps. Mrs. Adams stated she saw Ficus stumps this morning that were not behind a guardrail. Mr. Cole will inspect the area after the meeting.

- A proposal was requested for the nice, elegant pedestrian crossing signs. He will follow up with Lykins-Signtek and get a signed contract for the previously approved signs.

- **Consideration of Napier Sprinkler, Inc. Proposal #e1182 for Lake Erosion Repairs**

Mr. Cole presented the Napier Sprinkler, Inc., proposal for installation of riprap in the County canal referred to as Lakes 65F and 65G. One location is at the north end on the south side of Campanile Circle; the other is at the south end in Menaggio Court.

Ms. Viegas asked if the proposal is still valid since it is dated September 12, 2023. Mr. Cole said that date is incorrect because the proposal was just received in December.

Ms. Viegas asked why the machine cost is different in each lake repair. Mr. Cole believes it is due to the number of technicians and the number of hours needed for each repair.

On MOTION by Mr. Miller and seconded by Mr. Nuzzo, with all in favor, Napier Sprinkler, Inc. Proposal #e1182 for Lake Erosion Repairs, in the amount of \$6,530.46, was approved.

- **Consideration of Filter Socks Purchase for Protection of Storm Drain Systems**

Mr. Miller asked about the purpose of filter socks. Mr. Cole stated it was recommended that the CDD have filter socks on hand in case there is an irrigation water main break. The filter sock would be put in place to prevent debris and sand from clogging the drains.

It was confirmed that the cost of \$556 would be split with CDD #1.

Mrs. Adams stated, according to the regular percentage shared cost split based on the number of households in each CDD, CDD #1 pays 55% and CDD #2 pays 45%.

Mr. Cole stated CDD #2's share of the total aggregate cost would be \$250.20.

Mr. Miller stated this expense is unanimously approved.

- The Museo Drive valley gutters are having an issue holding water; a survey crew will survey the area and request a proposal. This item is on the list, but not critical.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2024-01, Declaring a Vacancy in Seat 1 on the Board of Supervisors; and Providing an Effective Date

This item was presented following the Fourth Order of Business.

ELEVENTH ORDER OF BUSINESS

Discussion/Consideration: Appointment of Qualified Elector Candidate to Fill Unexpired Term of Seat 1; Term Expires November 2024

A. Candidates for Vacant Seat

- I. Sue Leone
- II. Scott Spitzer
- III. William Tomazin Jr.

B. Administration of Oath of Office to Appointed Supervisor

This item was presented following the Fourth Order of Business.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2024-02, Appointing and Removing Officers of the District and Providing for an Effective Date

This item was presented following the Fourth Order of Business.

THIRTEENTH ORDER OF BUSINESS

Consideration of Collier Paving & Concrete, Divisions of Southern Striping Solutions, LLC Proposal #23-713 [Chiasso Court Milling and Resurfacing]

Mr. Cole stated the area is about 20 years old and the pavement is very rough. Mr. Cole recalled that a homeowner alleged that their grandchildren fell when riding scooters because of

the condition of the pavement. Upon inspection, it appears to have been a cold application of the asphalt which is not holding together; the only way to repair it is milling and repaving. Mr. Cole stated the proposal cost is \$37,108.60. Mr. Cole was asked if it was bid. He said it is hard to get anyone to bid.

Mr. Cole distributed a second proposal related to Sandpiper Drive sidewalk repairs for \$26,859.11.

Mr. Parisi expressed support for bringing in other bidders and offered some additional contractors who can provide alternate bids. He noted that Collier Paving does a good job.

Mr. Cole stated he will obtain additional proposals, but it can be difficult getting contractors for small jobs. Additional proposals cannot be presented until the next meeting, and there are potential tripping hazards on Sandpiper Drive, which are marked.

Discussion ensued regarding Collier Paving and obtaining more bids.

Ms. Viegas raised concern about exclusions in both proposals not included in the price. Mr. Cole will request additional bids.

This item will remain on the agenda.

FOURTEENTH ORDER OF BUSINESS

Discussion/Consideration of Sophistico Floors Corp, D/B/A Sophistico Construction Irrigation Pump House #2 Construction Contract

Mr. Miller stated this is a sizeable contract of \$168,000. Last month a version of the contract with no warranty was presented; his suggestion was that Mr. Pires draft a new Agreement. Mr. Pires stated this is his draft of the 13-page Agreement, which includes all of Ms. Viegas' edits.

Mr. Miller asked if Sophistico's financials were reviewed. Mr. Cole said no. He stated Sophistico was the only bidder; they are a licensed and insured bidding contractor.

Ms. Viegas stated she would like the minutes to reflect that the Board has approved a motion and has continually asked for any contracts, especially of this size, to be submitted one week in advance. This contract was received electronically after 4:00 p.m., on Friday, and in hard copy days later. Since she knew of the urgency of approving this contract, she worked on the contract immediately and found several errors and noted that the Warranty section was not included. Multiple emails were sent between Ms. Viegas, Mr. Pires and Mr. Cole outlining

and addressing all her concerns; Mr. Cole supplied a standard format for the Warranty section. She reiterated that the Board needs the courtesy of receiving agreements a week in advance in order to do a thorough review. Mr. Miller agreed and thanked Ms. Viegas for her work on the contract.

Mr. Miller asked if any Staff members checked the insurance policies and advised about the coverages. He asked that it be done in the future. Mr. Cole stated his understanding is that these are the standard insurance coverages required by the CDD on typical CDD contracts; the contractors provide insurance certificates for these amounts.

Mr. Pires noted that the CDDs are named as an additional insured; he added data breach and cybersecurity coverage due to the increasing risk of such issues.

Mr. Tomazin asked if there is a list of approved contractors. Mr. Parisi stated the Developer engages a company to conduct a review each time and they bid every project, given the nature of long-term projects, annual updates to insurance certificates, contractor changes, etc.

Mr. Miller voiced his opinion that the District Engineer should do this, as they have access to the contractors. Mr. Cole stated he found Sophistico from Jonathan Walsh, who is working on multiple projects for the Developer. Mr. Miller asked for the financial background and information to be included in future proposals.

Mr. Cole stated he is obtaining the building permit for the roof replacement. Some negative comments were received from the County regarding the permit application in December. The pumphouses were constructed over 20 years ago, and the Federal Emergency Management Agency (FEMA) elevation requirements have since changed, which caused the permit application to be rejected. The good news is that the electrical components are above the FEMA elevation requirement now, but flood vents must be installed at the pumphouses. Work is underway to have the architect add those to the drawings and have Sophistico price it; the cost will increase by a minor amount. The revised drawings from the architect will be resubmitted to the County.

Mr. Cole reminded the Board that the roof was taken off the pumphouse and the equipment was installed in November; however, it is still several months from completion. He and Mr. Benet spoke with Metro PSI, who performs maintenance on the pumphouses. Metro PSI suggested putting a temporary canopy on the pumphouse until the new roof is installed.

Mr. Cole suggested it may be a metal canopy similar to a carport, which will be an additional cost.

Mr. Cole asked if there are any other questions or comments for Mr. Pires regarding the contract with Sophistico.

On MOTION by Mr. Miller and seconded by Mr. Nuzzo, with all in favor, the Sophistico Floors Corp, D/B/A Sophistico Construction Irrigation Pump House #2 Construction Contract, was approved.

Mr. Miller reiterated that, in the future, all contracts, financial statements, and details regarding insurance should be provided one week in advance.

FIFTEENTH ORDER OF BUSINESS

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

With regard to the Lykins-Signtek proposal, Ms. Viegas asked what happened to the follow up on the missing signs. Mr. Cole was supposed to check the standards as reflected in the previous meeting minutes and on the Action Items List. Mr. Parisi was supposed to have his Engineer check the locations of the missing signs.

Mr. Parisi and Mr. Cole felt that they had updated the Board. Ms. Viegas explained that there are two different groups of signs; this one is replacement of the temporary signs, and the other is the addition of missing signs. Two proposals from Lykins-Signtek were discussed. The missing signs will remain as an open item.

SIXTEENTH ORDER OF BUSINESS

Consideration of Resolution 2024-03, Implementing Section 190.006(3), Florida Statutes, and Requesting that Collier County Supervisor of Elections begin Conducting the District's General Elections; Providing for Compensation; Setting forth the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

Mrs. Adams presented Resolution 2024-03. The following change was made to Resolution 2024-03:

Section 1: Change "vacant" to "held by William Tomazin, Jr."

On MOTION by Mr. Klug and seconded by Mr. Nuzzo, with all in favor, Resolution 2024-03, as amended, Implementing Section 190.006(3), Florida Statutes, and Requesting that Collier County Supervisor of Elections begin Conducting the District's General Elections; Providing for Compensation; Setting forth the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

SEVENTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2023

Ms. Viegas stated she sent three questions to Mrs. Adams and will wait for her response.

Ms. Viegas stated that she wants the Board to know that the holiday lights approved for the Sandpiper entrance were only lit for a week and then they were off. Per her request for Mrs. Adams to obtain a refund or not pay the second half of the bill, Mrs. Adams was able to obtain a \$500 credit; however, she thinks the CDD should have received more because the lights were off more than half the time. As the agreement has an option for two more years, Ms. Viegas wants something added so, if this happens again, the CDD receives more of a credit. Mrs. Adams stated she has not processed the credit yet and is working on the issue.

Mr. Miller noted that the CDD can exercise its option not to renew. Mrs. Adams said there are many other vendors.

Asked if he is satisfied with Synovus Bank, Mr. Adams stated he will be when the first interest earnings arrive in January.

The financials were accepted.

EIGHTEENTH ORDER OF BUSINESS

Approval of December 13, 2023 Regular Meeting Minutes

Mr. Miller asked if Mr. Parisi ever heard back about the number of Oyster Harbor homes sold. Mr. Parisi stated 265 homes have closed, not counting those closing within the next day or

so. Seven or eight are under construction now and, once they close, he is unsure when the next ones will enter the construction phase.

On MOTION by Mr. Klug and seconded by Mr. Tomazin, with all in favor, the December 13, 2023 Regular Meeting Minutes, as presented, were approved.

NINETEENTH ORDER OF BUSINESS

Action/ Agenda or Completed Items

Items 11, 12, 14 were completed.

Item 13: Ms. Viegas stated both the original letter and follow up letter were requested and have not been received from Mr. Pires.

Item 8: Mr. Pires suggested the extension of license agreements be extended to March.

TWENTIETH ORDER OF BUSINESS

Staff Reports

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

There was no report.

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

- **NEXT MEETING DATE: February 28, 2024 at 10:00 AM**

- **QUORUM CHECK**

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

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

Mrs. Adams stated the Operations Report was emailed to the Board.

It was noted that the Special Counsel must request an Executive Session.

TWENTY-FIRST ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 12:05 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair