

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

The Regular Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #2 was held on **Wednesday, December 17, 2008 at 9:00 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

Present at the meeting were:

James Robertson	Chairman
Manuel Correia	Vice Chairman
Victoria DiNardo	Assistant Secretary
Gretchen Scott	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Carlo Zampogna	District Counsel
Phillip Brougham	Fiddler's Creek CDD #1
Ron Albeit	Fiddler's Creek Foundation
Mike Charbonneau	Fiddler's Creek Foundation
Mike Sidovsky	Aquamatic
Lieutenant Gibbons	Sheriff's Office

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

The meeting was called to order at 9:00 a.m., and Mr. Adams announced that all current Supervisors were present at Roll Call.

SECOND ORDER OF BUSINESS

**Discussion of Candidates to Fill
Unexpired Term of Supervisor Diane
Matire, Who Resigned 11/19/08; Term
Expires 2011**

- **Consider Moving Supervisor Robertson From Current Seat #1 (Expires 11/2009) to Supervisor Matire's Seat #3 and Review Appointment for Next Vacancy**

Mr. Robertson announced that he was resigning from Seat #1 on the Board.

On MOTION by Ms. Scott and seconded by Ms. DiNardo, with all in favor of accepting Supervisor Robertson's resignation from Seat #1.

On MOTION by Ms. Scott and seconded by Ms. DiNardo, with all in favor of appointing Mr. Robertson to Seat #3, term expires, 2011.

On MOTION by Ms. DiNardo and seconded by Mr. Correia, with all in favor of re-appointing Mr. Robertson to continue serving as Chairman.

Mr. Adams advised that Mr. Robertson is still subject to all the same provisions as prior to his resignation. The Board members agreed to defer the appointment of Seat #1 to the January meeting. Mr. Correia spoke in favor of considering his neighbor, Robert Cheney (phonetic), because of his credentials and active participation within the Community. Mr. Robertson said he will look into this.

THIRD ORDER OF BUSINESS

Discussion: Analysis on Potential Security/Patrol Vehicles

Mr. Adams presented an analysis and backup materials outlining costs for a new security vehicle. He said the important factors to consider were the initial capital investment and the cost for fuel. Mr. Correia voiced surprise that the vehicle was used 24/7 and had over 100,000 miles. He commented that there are other lightweight cars that were more fuel efficient. Mr. Robertson said the 2004 vehicle had 165,000 miles while the 2007 vehicle had 157,000 miles. The Board members briefly discussed the fuel costs for the vehicles presented in the report. Mr. Adams said, as an option, the Board can consider driving the two (2) current vehicles until they need to be replaced. Ms. Scott pointed out that in the event of a catastrophic maintenance event, the Board needs to know how quickly the vehicle can be replaced. Mr. Adams said the vehicle can usually be delivered within sixty (60) days. Ms. Scott said she would be fine with keeping the current cars as long as a plan is in place to quickly get a replacement vehicle, if needed. Ms. DiNardo commented that in some instances, it will be evident that problems are occurring with a vehicle

prior to a major maintenance event occurring. She suggested that the Board decide on a vehicle, try to get as much as possible out of the current vehicles, and delay purchasing a new vehicle until absolutely necessary. Mr. Robertson agreed with Ms. DiNardo and said he was in favor of selecting a vehicle and delaying the purchase of a replacement.

A resident, commented that the Crown Victoria is a good vehicle for the Police Department; however, he did not see the reason for such a heavy duty vehicle within the Community. Mr. Robertson commented that the Crown Victoria is built for durability and delivers good mileage.

On MOTION by Mr. Robertson and seconded by Ms. Scott, with all in favor of delaying the purchase of a new security vehicle for a minimum of six (6) months.

FOURTH ORDER OF BUSINESS

Report: Quarterly Testing at Gatehouse - Quarter 3 Test (December 08)

Mr. Adams presented the Quarterly Testing Report provided by Marcone Investigations. He provided a copy of the report and said in this recent test, the investigator came to the gatehouse posing as an individual interested in reviewing real estate for sale, but without any specific listings. He pointed out that the individual was directed away. Mr. Adams said that as a result of this particular test, staff realized that the guard should have provided an option of allowing the individual to enter the community with a map of the public roadway system, rather than simply directing the investigator away from the gate. He suggested that from a customer service standpoint, one (1) option could be to direct individuals to the main sales facility and allow them to enter into dialogue with a representative there, who may be better able to direct them to real estate of their specific interest. Mr. Adams commented that people who are listing their homes are requested to list them with the guard houses and the Foundation; however, this is not being done all the time. Additionally, individuals going through foreclosures may not always be aware that the CDD and the Foundation have a record of their listing for individuals who may come to inquire. Mr. Adams indicated that there are some revisions to the Post Orders that are necessary to address these issues.

Mr. Robertson commented that the guard failed to recognize that the individual could be escorted by a patrol officer throughout the community and really should have offered the

investigator the opportunity to gain entry with a map of the public roads. Mr. Adams advised that this has been corrected and said all guards have been reminded that this option needs to be offered. Mr. Robertson agreed that from a customer service standpoint, this measure will help potential customers and improve the potential sales environment. Mr. Robertson said he did not think any formal change was required to accommodate this in the Post Orders.

Mr. Zampogna stated that Marcone Investigations simply reports what they find out; the CDD needs to ensure it is not limiting access to public roads because there are pursuant consequences for violations. Ms. DiNardo stated that anyone who comes to the gate should be given a map and allowed access to public roads.

A question was raised about how long the visitor's entry pass can be used. Mr. Adams advised that the time cut off for the entry pass is valid through midnight.

Mr. Correia pointed out that a visitor can simply wander off and drive along any private road once within the Community. Mr. Charbonneau said in such an instance, a patrol guard would approach the individual, verify who they are and the purpose of their visit and verify that the guard has allowed entry. Once this is verified, the individual will be asked to leave the private communities.

Mr. Adams presented the following revision to the Post Orders:

"If a member of the public, including a realtor, requests access to the community with a newspaper and/or or MLS listing, they will be granted access by name to an address from one (1) of the publications or to the address provided."

"If a member of the public would request access to the community with no documentation and wants to look at houses, we will ask them for an address and verify that the units are listed for sale. If we cannot verify an address, we will then offer access to the community via the main roadways map provided per Post Orders, after requesting identification and/or name, not required, and they will then be instructed accordingly and asked if they prefer to look at real estate. We can then direct them to the Sales Center for assistance." Mr. Adams suggested that this revision be added permanently to the Post Orders.

Ms. Scott referred to the first revision offered by Mr. Adams and suggested deleting "an address" from the first paragraph, because if someone simply provides an address, the guards will first check to see if the property is listed.

On MOTION by Mr. Robertson and seconded by Ms. DiNardo, with all in favor of authorizing Mr. Adams to prepare a draft revision to this section of the Post Orders, as presented.

FIFTH ORDER OF BUSINESS**Approval of November 19, 2008 Regular Meeting Minutes**

Mr. Adams presented the November 19, 2008 Regular Meeting Minutes.

On MOTION by Ms. DiNardo and seconded by Mr. Robertson, with all in favor of approving the November 19, 2008 Regular Meeting Minutes, as presented.

SIXTH ORDER OF BUSINESS**Staff Reports****a. Attorney**

Mr. Zampogna recalled the Board's previous discussion as to whether CDD security guards could enforce traffic laws. He stated that the CDD security cannot pull over vehicles enforce traffic laws; however, they have the right to follow a vehicle, take down a license plate number and then inform the local authorities. He indicated that staff had outlined the relevant Statute and a report for the Board's information.

Mr. Robertson indicated that he will meet with Mr. Charbonneau to discuss a procedure through which staff can regularly observe and report traffic violations. He suggested that violations can be forwarded to the Foundation, which can impose fines for violations of the District's regulations. Mr. Adams said that additional traffic details by the Sheriff's Department can be considered. Mr. Robertson said he wished to make better use of the Collier County Police Department since the CDD has budgeted significantly to use these officers as a resource.

Mr. Brougham, a resident and Chairman of CDD #1, reported that the CDD #1 Board recently agreed to bring in a Sheriff's patrol once per week, if possible. With regard to the Budget, Mr. Adams advised that police patrol is generally budgeted for two (2) four (4)-hour details each month. He suggested that the expense of using weekly police patrols can be offset by pulling monies from another line item or implementing this program seasonally. Mr. Robertson requested that this be pursued immediately. Ms. Scott asked whether the Foundation could

legally follow up with those in violation of the District's traffic regulations. Mr. Robertson spoke of a past incident where a complaint was filed against a resident in violation of noise laws. He stated that this problem stopped when the individual was eventually fined. He stressed that catching individuals in the act is key to addressing routine traffic offenders.

b. Engineer

Mr. Cole presented pay draw #35 from the 2003 Series Bond for approximately \$186,000. He explained that this involved landscaping plantings at Aviamar, Sandpiper Drive and the Campanile buffer, along with prior retainages.

Mr. Cole advised that the previous week, the county had approved the insubstantial change to add the signage. The Developers' representative is working on installing the stop signs over the next month.

c. Manager

i. Unaudited Financial Statements as of November 30, 2008

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2008.

ii. NEXT MEETING DATE: January 28, 2009, 9:00 A.M.

The next meeting was scheduled for January 28, 2009 at 9:00 a.m.

d. Operations Manager

Ms. Crismond requested that the Board allow Mike, from Aquamatic, to present his report on recent irrigation testing. Mike Sidovsky reported that his firm had recently conducted line pressure tests under real time conditions. He briefly summarized pressure test data for tests conducted in nine (9) neighborhoods. He suggested taking one (1) zone and revamping it back to design conditions and then test the pressure again. He spoke of a recent drop in pressure at the Mallard's Landing neighborhood. Mr. Robertson asked whether the CDD water was supplying adequate water to the communities. Mr. Sidovsky responded affirmatively and said the problems concerning pressure occurred in individual neighborhood lines. He commented that changes in the nozzle sizes might be a factor contributing to low pressure problems. Mr. Robertson suggested forwarding this information to the individual neighborhood associations. Mr. Sidovsky referred to pictures of one (1) pump station and indicated areas where silting had occurred. He said this can be pumped out, but the station was otherwise in good shape. Ms. Crismond said this work is not complete yet; Wesco Turf still needs to conduct their portion of the irrigation study.

Lake Maintenance: Ms. Crismond reported that the lakes tour will resume in January.

Landscaping: Ms. Crismond reported that Management continues to meet with Tru Green, weekly. Palm trimming and pine straw installation have been completed.

Sheriff Patrol Service: Ms. Crismond reported that in November, there were eight (8) citations issued, primarily for speeding.

SEVENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

A resident said there could be a timing issue as far as when the Sheriff Patrol is present. He commented that when he walks early in the morning, Championship Drive is a racetrack. It was suggested that the patrol times be varied around the clock.

▪ **Police Department Crime Report**

Mr. Robertson indicated that the Deputy Sheriff was invited to address the Board. Lieutenant Rich Gibbons, Commander of the Substation serving the CDD, spoke briefly about crime issues in relation to the CDD. He referred to research statistics on crime in the area from January 1, 2008 to the previous Monday. He advised that of 1,493 calls for service, 217 or 14% of the calls occurred in Fiddler's Creek. He reported that generally, there is a downward trend in crime in the East Naples area. He encouraged the Board members and residents to contact Mr. Charbonneau if they notice individuals of interest or observe any suspicious activity in the District.

EIGHTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. DiNardo and seconded by Ms. Scott, with all in favor, the meeting was adjourned.

The meeting was adjourned at 10:40 a.m.


Secretary/Assistant Secretary


Chairman/Vice Chairman