

**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, February 27, 2008 at 9:00 a.m., at the Fiddler's Creek Club and Spa, 3470 Club Center Blvd., Naples, Florida 34114.

Present at the meeting were:

James Robertson	Chairman
Clifford (Cliff) Olson	Vice Chairman
Diane Matire	Assistant Secretary
Victoria DiNardo	Assistant Secretary
Gretchen Scott	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Matt Morris	Client Services Manager
Terry Cole	District Engineer
Anthony Pires	District Counsel

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Adams called the meeting to order at 9:00 a.m. and announced that all Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Consideration of Proposal from Marcone Investigations, Inc., for Test Implementation at Guard Gate**

Mr. Adams recalled that based on previous discussion, the Board recognized that the weakest link in the security system, is gate personnel responsible for implementing Post Orders. As a result of these discussions, the Board expressed interest in being proactive by periodically testing personnel. Mr. Adams stated this proposal would involve using a pre-determined script tested by an individual who would come to the gate as an unbiased third party. The individual

would then go through dialog with the guard to ensure that procedures are properly implemented. He added that staff is proposing a quarterly test of this nature, for a cost of \$150-\$200 per trip to conduct this test and prepare a follow up report.

It was commented that the CDD #2 Board did not have the advantage of seeing the proposal when it was presented to CDD #1.

Mr. Robertson commented that the security firm was interviewed with regard to how its guard personnel were trained. He said that the CDD #2 deemed the training to be adequate. He further commented that this expense amounts to throwing away the taxpayers' money. Mr. Robertson added that the Board periodically receives reports from residents about an unsatisfactory gate incident. He said these incidents are always looked into and usually it is found that the problem is not with the gate guard, but rather with residents who forgot to notify the security personnel.

Ms. Scott commented that a conclusion cannot be reached from any sampling done four times per year.

Mr. Robertson stated there are ways to test this system internally for less money. He also commented that the terms of the resolution approved by the CDD #1 Board are defamatory to this Board and to the District.

Mr. Pires explained that the resolution approved by District #1 is a follow-up to the requirement of bond counsel which was denied. He stated that the consequences to the District's residents will be substantial if the bonds are deemed private activity bonds because of denial of public access to bond-funded roads. Mr. Pires added that in such an event, the IRS can rule the bonds non tax exempt; the District would then have to pay the additional taxes via special assessments on all properties.

Mr. Robertson felt the probability of this occurrence is so small as to not warrant this expenditure.

Mr. Pires advised that often, this District will need support and assistance from local government entities which tend to have the perception that CDDs are at times not very favorable. He stated that when County Commissioners are denied access to CDDs, it exacerbates this poor view of CDDs.

Mr. Adams stated that one previous complaint received about gate personnel actually came from bond counsel. Mr. Adams said he was not sure why this occurred but it was a problem that led to the developing and detailed set of Post Orders.

Supervisor Curland, of CDD #1, raised a question as to why the Safety Committee was not being consulted on this item. Mr. Adams stated this Committee was established to address specific subjects. It was pointed out that the Safety Committee was still left standing after these issues were resolved.

It was stated that this Board wished to voice its concern that roads remain open to the public whether people call or not call.

Mr. Robertson voiced concern about placing this proposal in the public record and felt it would reflect poorly on the community to public officials and members of the media.

Mr. Adams pointed out that staff proposed using an outside firm because it provides an unbiased and objective method of testing. Mr. Adams stressed it is important to ensure that the CDD does not overstep the boundaries of the tax exempt status of its bonds. He agreed with Mr. Pires on the need for periodic testing to ensure that Post Orders are accurately implemented.

Mr. Robertson agreed with Mr. Curland's suggestion to have the Safety Committee review this proposal.

Mr. Brougham, of CDD #1, clarified that the resolution did not authorize spending any dollars but affirms CDD #1's intent to recognize that the roads are public and that the District is going to ensure public has access.

This item was deferred for another thirty days to allow the Safety Committee to review and provide recommendations to both Boards.

**THIRD ORDER OF BUSINESS**

**Consideration of Assessment Roll  
Preparation Invoice FY 2008 from AJC  
Associates, Inc.**

Mr. Adams referred to an invoice from AJC Associates, the vendor who provides tax roll assessment services. He explained that the original contract was not set up as a Continuing Services Agreement which it was intended to be. However, the vendor has continued to provide services at the same price included in the original contract. Mr. Adams requested that the Boards

consider approving this invoice. He added that staff is currently working on updating this contract which will be provided at a future meeting.

**On MOTION by Ms. Scott and seconded by Ms. DiNardo, all voted in favor of approving the Invoice from AJC Associates.**

**FOURTH ORDER OF BUSINESS**

**Discussion and Selection of Board Members to Serve as Liaisons for Landscape and Water Management**

Mr. Adams recalled that this topic was brought forward by Mr. Robertson at the previous meeting. Mr. Adams requested volunteers to fill this role. Ms. DiNardo volunteered to serve in both capacities.

**On MOTION by Mr. Robertson and seconded by Ms. Matire, all voted in favor of appointing Ms. DiNardo to serve as the Board's liaison for landscape and water management.**

**FIFTH ORDER OF BUSINESS**

**Approval of Minutes**

- **November 28, 2007 - Landowner Election Meeting**

Line 10: Change "Albright" to "Albeit."

**On MOTION by Ms. DiNardo and seconded by Ms. Matire, all voted in favor of approving the November 28, 2007 minutes as corrected.**

The Board requested that Mr. Adams review minutes upon first transmittal from the transcription agency.

- **January 23, 2008 – Regular Meeting**

Line 64: Change "concerted" to "conservative".

Line 144: Insert "a non" before "public." Insert "session" after "public."

- Line 174: Correct "Carlos" to "Carlo."
- Line 303: Change "Beijing" to "Vajen."
- Line 419: Change "Crismond" to "Scott."
- Line 425: Change "medial" to "medical."
- Line 444: Change "walks" to "patrols."

**On MOTION by Mr. Olson and seconded by Mr. Robertson, all voted in favor of approving the January 23, 2008 minutes as corrected.**

**SIXTH ORDER OF BUSINESS**

**Other Business**

Mr. Adams updated the Board on the variance for watering. He explained that there have been discussions at the staff/attorney level with the SFWMD who appears to be receptive to the twice weekly watering schedule on Monday and Thursday nights. Once this is finalized, it will go before Palm Beach County for official Board action. Mr. Adams said that staff expects this will come back approved.

A resident suggested placing a plaque under the guard's window stating that public access was limited on the public roads.

Nancy Vandermere, a resident, commented that traffic on US-41 can be heard and that Gulf Bay traffic has increased. She asked whether the CDD has considered installing a sound barrier along Fiddler's Creek Parkway.

Mr. Robertson requested that the District Engineer address sound isolation issues at the next meeting.

A resident voiced concern about noise from the Model Airplane Club.

Mr. Robertson said the Board has met with the Club several times and requested that they cut back operating hours. He advised that the Club agreed to this request. Mr. Robertson stated that in the future, the Model Airplane Club will leave this location.

Mr. Brougham stated that the County Commissioner had contacted the president of the Model Airplane Club. The Club then agreed to reduce hours of operation to 9 a.m. to 1 p.m. The Club also agreed to move the runway further north and further west. The Club's president had

also encouraged residents of Fiddler's Creek to report any Club member who violated these terms.

It was commented that older residents had trouble negotiating turns upon driving into the community. It was asked whether more reflectors and more eye level signage can be installed.

Mr. Robertson stated this issue has repeatedly been addressed to no avail. He added that the Foundation's counsel has taken this on as an action item. Additionally, the Foundation had representatives liaising with the State Department of Transportation on this issue.

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**Attorney**

Mr. Pires advised that he will present a document at the next meeting which reflects new changes in Chapter 190 parameters for disclosure statements and public records.

Mr. Pires stated he is in the process of reviewing the Competitor Selection Process rules and procedures. He will provide a rough draft at the next meeting.

**Engineer**

Mr. Cole presented the following pay draws:

Pay draw for 2003 Series Bond, Draw 52, in the amount of \$25,000. This involved work related to signage, water mains, sewer mains and drainage structures within most of the Phase 4 area.

Pay draw for 2005 Series Bond, Draw 25, in the amount of \$229,000. This involved work on landscaping, fountains, walls and fences in various areas, along with work related to the Sandpiper Drive bridge.

**Manager - Unaudited Financials as of January 31, 2008**

Mr. Adams presented the financial statements and explained line items as requested.

**Update on Remote Access Program**

Mr. Adams stated that follow up work was done to ensure proper configuration between the servers, computer and the printer. During this process, a communication issue developed with

regard to Comcast Internet service within the community. This requires an additional step which creates a reliability and timing challenge. Staff is looking at improving this process. One option being pursued is having Comcast update its communication infrastructure to parallel that which is available with the Embark DSL connection. If this can be done, this will be done at no additional cost to the community. Mr. Adams stated that another thirty days of negotiations with Comcast will ensue.

Mr. Robertson commented on the need for additional features that will cost the District more money. He felt the Board needed to re-assess its original intention behind implementing these procedures.

It was suggested that the Board eliminate the ticket spitter system, go back to addressing security risks to residents, and not worry about the convenience of guests being able to access via the back gate on Sundays and after hours. Mr. Adams responded affirmatively.

Mr. Adams stated that management wished to improve reliability and speed by negotiating with Comcast at no additional cost. He explained that if this is not possible, and the Board still wishes to implement this service, it can use Embark's DSL service, for the cost of an additional \$15,000 per year.

It was commented that the Board needed to provide for its own security needs at the front gate. It was stated that the Board should not be spending money for convenience features. It was pointed out that guests can use the main gate for access.

Discussion ensued on this topic.

Mr. Adams advised that this item will be discussed further by the Safety Committee. He added that this meeting will be duly advertised.

### **Operations Manager**

Ms. Crismond provided the following update:

**Repainting of fire hydrants.** This is currently being done. Work on Section P-50 will be done later that week.

**Lake Masters.** A meeting will be scheduled with Lake Masters during the week of March 3<sup>rd</sup>. Ms. Crismond invited Board members to attend.

**Landscaping.** Management has been touring with the landscape foreman and exploring the community.

**Replacement Plant Material:** Staff is making a list of replacement plant material and will work on a schedule for replanting. Dead palms have been replaced throughout the community. Management has implemented on-site maintenance for all newly planted landscaping materials.

**Street Sweeping:** The contractor is in the community every Thursday at 5 p.m.

Mr. Robertson asked Ms. Crismond to look into the monument lighting at the Champion Gate. Ms. Crismond advised that she replaced bulbs in this area the previous week.

**NINTH ORDER OF BUSINESS**

**Supervisors' Requests and Audience Comments**

There were no requests from the supervisors or comments from the audience.

**TENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Robertson and seconded by Mr. Olson, all were in favor of adjourning.**

There being no further business to discuss, the meeting was adjourned at 10:35 a.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman