

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

A Regular Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #2 was held on **Wednesday, December 16, 2009 at 10:00 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

**Present at the meeting were:**

James Robertson	Chair
Manuel Correia	Vice Chair
Victoria DiNardo	Assistant Secretary
Gretchen Scott	Assistant Secretary
Peggy Schmitt	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Carlos Zampogna	District Counsel
Terry Cole	District Engineer
Ron Albeit	GM, Fiddler's Creek Foundation
Jim Vajen	Golf Superintendent

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 10:13 a.m., and noted, for the record, that all Supervisors were present at Roll Call.

**SECOND ORDER OF BUSINESS**

**Staff Report: Engineer**

Mr. Cole presented Pay Draw #48 in the amount of \$8,060.05 for the 2005 Series Bond. He indicated this was related to TEM for security, electronics and gate arms at the Sandpiper gatehouse.

**\*\*\*Mr. Cole left the meeting.\*\*\***

**THIRD ORDER OF BUSINESS**

**Update/Discussion: Title Work Related to Foreclosure Claim**

Mr. Adams indicated significant progress has been made on the title work. He noted he received correspondence from Ms. Carla Barrow, last week, regarding preparation of the claim. Mr. Adams said good progress is being made; however, he is not able to give a specific time or estimation for completion of the claim.

**FOURTH ORDER OF BUSINESS**

**Discussion: Directed Exit Traffic Management Proposal**

***\*\*\*This item, previously the Fifth Order of Business, was presented out of order.\*\*\****

Mr. Adams opened the discussion on the Directed Exit Traffic Management Proposal.

Mr. Robertson suggested observing the traffic, prior to spending thousands of dollars to adjust the programming. He felt, as the new traffic patterns will be implemented on January 4, 2010, the Boards could observe the traffic flows and see what is necessary, by the time they meet in January.

Mr. Robertson summarized the issue stating, at their November meetings, the CDD #1 and #2 Boards both approved a proposal to revise the Fiddler's Creek traffic patterns, prohibiting commercial traffic from entering at Championship Drive. He indicated the Boards were silent regarding exiting. He indicated the proposal for consideration is that small commercial vehicles will be allowed to "free-flow" through their egress; meaning exit through the nearest or any gate. He stated the problem at hand is that they have not come up with an agreed upon exiting plan for other commercial and construction vehicles.

Mr. Adams summarized that both Boards agreed to Ms. Schiavo's recommendation that commercial vehicles exit through the same gate they entered and discussed further breakdown of construction and commercial vehicles, with those being restricted to entering and exiting through the same gate. He added, the other commercial vehicles would be required to enter at their designated entrance, but could exit anywhere. He said reprogramming would allow the CDDs to control the exit side, as it would deny the credential if the vehicle is trying to exit at the wrong location. Discussion ensued regarding the possibility of gate backups, informing vehicles of the exit plan, rerouting vehicles and etc.

Mr. Adams indicated the CDDs will use Ms. Schiavo's specific definition that further defines the commercial and construction vehicle categories, with the exception of the CDDs' landscaper, who will be allowed to move freely through all CDD gates.

Mr. Correia discussed the need for common sense. He felt the expense for the software and/or software changes will benefit the CDDs in classifying the vehicles and giving them the data necessary to control matters, going forward.

Mr. Adams stated the proposal was to separate the vehicles into classes and, then, go forward with directed exit. Discussion ensued regarding what the software can do and what the CDDs want it to do, in the future. Ms. DiNardo questioned spending the money on the program, when it is not clear if there is really a problem.

Mr. Adams explained CDD #1's actions were to approve the TEM proposal, but defer implementation until they have more information on what it will specifically provide. He indicated, at the next meeting, the Board will entertain the additional information/specs and then, at that point, CDD #1 may, or may not, move forward. He concluded it is currently in a state of flux, so the CDD has a 30-day window to observe how the changes are going, from a practical standpoint, and what types of issues, if any, there will be. Mr. Adams confirmed CDD #1 is not doing anything affirmatively until, at least, the January meeting. He felt CDD #2 could take the same action.

**On MOTION by Mr. Robertson and seconded by Ms. DiNardo, to deny the proposal of TEM to reprogram vehicle class for directed exit, with Ms. Scott, Ms. Schmitt and Mr. Correia dissenting. (Motion failed 2-3)**

Discussion ensued regarding the specific data, information and specs that will be available in January to allow the Boards to make a more informed decision. The Board discussed following the actions taken by CDD #1.

**On MOTION by Mr. Correia and seconded by Ms. Schmitt, with all in favor of following the actions taken by Fiddler's Creek CDD #1, to approve the TEM proposal, but defer implementation until more information/specs on what it will provide, are presented at the January meeting.**

- **Irrigation Issues and Problems**  
**\*\*\*This item was an addition to the Agenda.\*\*\***

Mr. Albeit stated there has been a lot of interaction with landscaping companies and with irrigation companies trying to resolve the irrigation issues. He indicated, as of last Friday, he went out with Mr. Vajen and Richard to address some of the areas that were highlighted, specifically Mallards and Mr. Arh's home. Mr. Albeit stated they did a wet check, with several zones running at the same time, and Mr. Arh's coverage was significant; however, his neighbors' lawns were in better shape, compared to his. Mr. Albeit indicated, Mr. Arh checked with his landscaper and he has a pest that is causing damage to his lawn. He indicated he spoke to Martin Arh and he said the wet checks look good and asked what happens during the cycle.

Mr. Albeit indicated they also checked Bellagio, where there were also some issues and concerns. They ran four (4) zones and there was tremendous pressure, so much so that where one (1) of the heads was off, it was shooting about 20 feet into the sky. The amount of pressure is significant. Mr. Albeit stated they also checked Mulberry and there was pressure. He indicated the finding, during wet checks, was that the CDDs were providing great water pressure.

Mr. Albeit indicated Mr. Vajen and Richard went to Mallards on December 12<sup>th</sup> and there is an issue in the cycle with the pressure before it hits the valve. Mr. Vajen indicated, when they ran it, the pressure was 84 PSI before the filters, coming from the CDD lines, and once it went to the other side of the filter, it was 24 PSI. Mr. Vajen said they checked it this morning and before the filter, it was 80 PSI and after the filter, it was 30 PSI.

Mr. Vajen indicated they want to run a simulation, during daylight hours. He suggested that, on January 6<sup>th</sup> and 7<sup>th</sup>, which are watering days, the cycle be changed from midnight to 8:00 a.m., to 4:00 p.m., to 12:00 a.m. He said they should let every community know what they are going to be doing so they can have their irrigation companies, their landscaping companies and anyone that has a concern out to start testing the filter and take the filter off and see what happens. They could observe possible problems. This would be an observation of the actual cycle being controlled by the computer and zones turning on automatically.

Mr. Albeit confirmed this would not be for single-family homes along Mulberry or Mahogany; they have their own separate system.

Mr. Albeit advised they will contact the Presidents and they will send an email blast to them indicating this is what they have done and this is what we are going to do, and it is up to them to have their landscaper present or their Board members present between those hours.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2010-3,  
Adopting the Amended Post Orders of the  
District (deferred from November 18, 2009  
Regular Meeting)**

*\*\*\*This item, previously the Fourth Order of Business, was presented out of order.\*\*\**

- **Redlined Version of Post Orders**

Mr. Adams reviewed the changes made at the Fiddler's Creek CDD #1 meeting. The following changes were requested by CDD #1:

Page 3: Eliminate the page entirely

Page 6: Change "Time Warner" to "Comcast"

Page 8: Change the "Construction Vehicles and Equipment" paragraph, to Ms. Schiavo's definition:

*"For purposes of these Post Orders, "large daily service vehicles" are defined as box trucks, tractor trailers delivering furniture, other household items and/or construction materials to existing residences, large daily service vehicles, including landscapers, pool services, food and beverage deliveries to the Club and Spa, and The Rookery. "Construction vehicles" are defined as any vehicle or motorized equipment normally associated with new construction. These vehicles include, but are not limited to, tractors, dump trucks, dumpster delivery vehicles, cement trucks, asphalt trucks, tractor/trailers including 'low boys', flatbed trucks, glass trucks, boom trucks, bucket trucks (cherry pickers), front end loaders, bull dozers, back hoes, bobcats, Caterpillars and other similar vehicles and motorized equipment. All large commercial vehicles arriving at the Championship Drive gate, or Main Gate, should be redirected to the Sandpiper Drive gate entrance."*

Mr. Adams clarified that the CDDs' landscaper's vehicle will be excepted from the access restrictions that are applied to these vehicle classifications.

Page 8: Strike the "Holiday Hours for Construction Traffic" section in its entirety

Page 11: Replace "Main Entrance Gate" with "Fiddler's Creek Parkway Gate"

Page 15: under "Use of Vehicle Flashers" add a clause after "violate traffic laws", saying "commensurate with the needs of the emergency being responded to"

Mr. Adams asked for any changes from Fiddler's Creek CDD #2. The following changes were made:

Page 8: under "Post Instructions", line 2, replace "herin" with "herein"

Mr. Robertson suggested, with the removal of Page 3, a description of the community could be included and would be beneficial.

The Board discussed the content under "Guest", whether the defined procedures are followed and if changes are necessary. Mr. Adams suggested leaving this item as it is, for now, and discussing it with the CDD #1 Board, during the upcoming joint meeting.

**On MOTION by Mr. Robertson and seconded by Mr. Correia, with all in favor of approving Resolution 2010-3, Adopting the Amended Post Orders of the District, as amended.**

**SIXTH ORDER OF BUSINESS**

**Approval of Minutes**

- **November 18, 2009 Landowners' Meeting**

Mr. Adams presented the November 18, 2009 Landowners' Meeting Minutes and asked if there were any additions, corrections or deletions. The following changes were made:

Line 36: Change "3" to "5"

Line 39: Insert a space changing ",2" to ", 2"

**On MOTION by Mr. Correia and seconded by Ms. Schmitt, with all in favor of approving the November 18, 2009 Landowners' Meeting Minutes, as corrected.**

- **November 18, 2009 Regular Meeting**

Mr. Adams presented the November 18, 2009 Regular Meeting Minutes and asked if there were any additions, corrections or deletions. The following changes were made:

Line 24: Change "Tobin" to "Torbin" and "Christenson" to "Christensen"

Lines 306, 393 and 395: Change "Verenna" to "Varenna"

**On MOTION by Ms. Scott and seconded by Ms. Schmitt, with all in favor of approving the November 18, 2009 Regular Meeting Minutes, as corrected.**

**SEVENTH ORDER OF BUSINESS**

**Other Business**

There being no Other Business, the next item followed.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**a. Attorney**

There being no report, the next item followed.

**b. Manager**

**i. Unaudited Financial Statements as of September 30, 2009 (YEAR END)**

Mr. Adams presented the year end Unaudited Financial Statements as of September 30, 2009, which included the year end accruals, for the Board's consideration.

**ii. Unaudited Financial Statements as of November 30, 2009**

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2009 and asked for questions. He noted the CDD is minimal in its transactions and has a positive fund balance, which is positive information.

Mr. Robertson asked about an amount listed for CDD #1, on the September unaudited financials, that says "due from District #2, \$5,231", but which does not appear on these financials. Mr. Adams indicated it is under Liabilities on CDD #2's September unaudited financials and provided a brief explanation.

**iii. NEXT MEETING DATE: January 27, 2010 at 10:00 A.M.**

Mr. Adams reminded the Board their next meeting is January 27, 2010 at 10:00 a.m., at this location.

**c. Operations Manager**

Ms. Crismond indicated numerous lights are out at the Veneta fountain and are scheduled to be replaced within the next two (2) weeks. Ms. Crismond noted the next lake tour will be in January, after the holidays. Management continues to review landscaping, with TruGreen, on a weekly basis. Ms. Crismond reported tree trimming has started on the Fiddler's Creek Parkway extension and should be completed before Christmas. She indicated pressure cleaning, throughout, should start the week of December 14<sup>th</sup>, including the areas of Sandpiper Drive, Campanile Circle and Fiddler's Creek Parkway.

Ms. Crismond reviewed the November/December patrol services stats as of Friday, December 11<sup>th</sup>, indicating there were 38 total stops; 26 residents, eight (8) guests and four (4) vendors, with seven (7) citations issued.

Ms. Crismond clarified the pressure cleaning includes sidewalks and curbing.

Mr. Robertson indicated the landscape clearing-out, north of Sandpiper on Fiddler's Creek, looks great.

Mr. Robertson spoke of the speeding problems in Fiddler's Creek and stated his desire to have the Operations Manager notify and encourage the Sherriff's Department to issue tickets to speeders. It was noted that, with the absence of large commercial traffic on Championship Drive, residents seem to be driving faster along that road.

**NINTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors'**

There being no Audience Comments or Supervisors' Requests, the next item followed.

**TENTH ORDER OF BUSINESS**

**Adjournment**

There being no business to discuss, the meeting adjourned.

**On MOTION by Ms. DiNardo and seconded by Ms. Schmitt,  
with all in favor, the meeting adjourned at 11:20 a.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair