

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

The Public Hearing and Regular Meeting of the Board of Supervisors of the Fiddler's Creek Community Development District #2 was held on **Wednesday, July 23, 2008 at 9:00 a.m.**, at the **Fiddler's Creek Club and Spa, 3470 Club Center Boulevard, Naples, Florida 34114.**

Present and constituting a quorum were:

James Robertson	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
Manny Correia	Supervisor Elect
Terry Cole	District Engineer
Matt Morris	Client Services Manager
Jim Vajen	Gulf Bay
Larry Holland	Entrix Solutions
Ron Albeit	Fiddler's Creek Foundation
Phillip Brougham	Fiddler's Creek CDD #1
Mike Charbonneau	Security
Nick Carsillo	Varanna Association
Carlo Zampogna	District Counsel

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

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

SECOND ORDER OF BUSINESS

Discussion of Possible Candidates to Replace Seat 2, Vacated Due to Resignation of Supervisor Clifford (Chip) Olson; term Expires in November, 2009

Mr. Robertson nominated Manny Correia as a candidate. He spoke of Mr. Correia's experience as a member of the Menaggio Condo Association Board of Directors, as a retired engineer with IBM and former business owner. Mr. Correia introduced himself to the Board and spoke of his family background and community involvement wherever he has lived over the years. He spoke highly of his impression of the Fiddler's Creek community and thanked the Board for the nomination to serve on the Board.

Led by Mr. Adams, a notary of the State of Florida and duly authorized to administer the oath, Mr. Correia recited the Oath of Office and signed the appropriate documents. Mr. Adams stated this Oath of Office will be notarized and placed in the public record. Mr. Adams briefly summarized the following documents provided to Mr. Correia: Form 1 – Statement of Financial Interest; Form 1X – Amendment to the Statement of Financial Interest; Form 1F – Statement of Financial Interest and The Sunshine Law and Code of Ethics.

On MOTION by Mr. Robertson and seconded by Ms. Scott, all voted in favor of appointing Mr. Correia to the Board.

THIRD ORDER OF BUSINESS

Copies of Affidavit of Publication

- **Notice of Rule Development**
- **Notice of Intent to Consider Adoption of the Rules of Procedure**

Mr. Adams indicated proofs of publication were provided in the Agenda package.

FOURTH ORDER OF BUSINESS

Staff Report: Engineer

Mr. Cole presented the following pay draws:

Draw #30, for approximately \$584,000. Mr. Cole said the majority of this draw related to ordering of the pumps for Pump House #4. This draw also covered landscaping in a variety of communities and soft costs related to engineering permitting and design fees.

Mr. Cole recalled that previously, a question was raised about paving in certain areas of Venetta. He explained that when the developer receives preliminary acceptance from the county, he has to wait a year to complete the final acceptance items. Sometimes the second lift of asphalt is bonded; quite often the second lift of asphalt is delayed because of ongoing home

construction. He explained that one reason is to allow some homes to be built without the asphalt being torn up by construction vehicles. After the year's time period, the developer likes to get final acceptance because bond monies are withheld until final acceptance is guaranteed. Another reason is that by leaving the second lift off, water gathers at the edge of the catch basins. This causes possible degradation of the asphalt if left unpaved for too long. Mr. Cole stated that while many homes may not yet be built, the developer still wishes to get final acceptance from the county and for this reason the roads are paved.

Mr. Cole briefly summarized the process of how invoices for different contractors are processed for the District. He also explained the naming of units and areas on site and stated he will provide Mr. Correia with a District map.

FIFTH ORDER OF BUSINESS

Public Hearing to Hear Public Comment and Objections to the Adoption of the Rules of Procedure

The District Attorney advised that the Rules of Procedure presented were based on those outlined for Fiddler's Creek CDD #1. Mr. Adams explained that this document is a compilation of all the relevant statutes governing the District.

Mr. Adams opened the Public Hearing. As no members of the public spoke, the Public Hearing was closed.

SIXTH ORDER OF BUSINESS

Consider Resolution 2008-6, Adopting the Rules of Procedure of the District

On MOTION by Mr. Robertson and seconded by Ms. Matire, all voted in favor of approving Resolution 2008-6.

SEVENTH ORDER OF BUSINESS

Continued Discussion of Proposed Budget for Fiscal Year 2009

Mr. Adams advised that staff had incorporated Board Members' comments given at the last meeting and bolstered the numbers under landscaping. Staff also bolstered the number under Fountains to address a new fountain coming at the entrance to Aviamar. Mr. Adams advised that the current changes result in a per unit assessment of \$1,511.06, which is down \$7 from the

previous year. He stated that currently there are 190 additional units being brought into the assessable unit count this year. He spoke of preliminary discussions with the developer to bring this number down, and more in line with Fiddler's Creek CDD #1, so there is consistency in costs and operating across the entire community.

Mr. Adams commented that there is an error in the fountains item and advised there will be a \$12,000 reduction in this item.

Mr. Adams added that there will also be a slight reduction in the potable water item, which will bring this number down to \$38,685, which will be about a \$7,700 reduction.

Mr. Adams said that between now and the public hearing, staff needs to notice all property owners about the assessment levels through a separate mailed notice. He requested that the Board set an assessment cap of \$1,500 for noticing purposes. He also recommended setting the cap at one (1) percent above actual, if the Board wished to use a percentage. There was consensus from the Board to move forward on this.

Mr. Robertson commented to the public that the largest cost growth area over the year was on landscaping and the addition of 500,000 square feet to District #2. Mr. Adams added that the budget was also bolstered to cover some maintenance activities and significant tree trimming now that the District is maturing.

A resident asked the Board to rethink opening the entrance at Sandpiper and US-41 as the expenditure of operating this entrance is significant. Mr. Adams said this gate would run the same hours as Championship, which is six (6) days per week, twelve (12) hours per day. The resident felt this will be of marginal benefit to residents while being a heavy expenditure. Mr. Robertson said a significant number of residents said they want this entrance open. He added that the Board had considered this topic at great length and advised that this cost was shared with CDD #1. Mr. Adams added that The Rookery has an easement over Championship Drive and that all their vendors, guests and staff are legally entitled to unimpeded access.

The District Attorney said there is an agreement that provides for unimpeded access; however there is a keypad for the benefit of their employees and all referenced on the agreement. Mr. Robertson added that without this gate being manned during daylight hours, traffic would be backed up all the way down US-41 down Championship Drive, with all the daily contractors coming through that gate.

Discussion ensued on this topic.

Mr. Adams said right now, the conceptual plan projects that CDD #2 will have more units than CDD #1 at build-out; therefore, there will be a growing need for this gate to be operated.

Nick Carsillo, President of the Varanna Association, asked if all the ficus trees along the road are included in the tree trimming goals. Mr. Adams responded affirmatively.

Mr. Correia stated that Championship Drive is more pleasurable to drive in and out of Fiddler's Creek during the off season. He asked whether any volume checking has been done to determine how much traffic there really would be in light of anticipated growth.

Ms. Scott stated that residents of CDD #2 have been using the construction gate.

Discussion ensued on this topic.

Ms. Scott referred to page four (4) of the budget and pointed out a typo and corrected the spelling of Venetta.

Mr. Robertson asked for the justification in the growth in legal expenses. Mr. Adams said that the budget reflects current year actuals. He commented that legal expenses for the next year are unforeseen and unknown. He added that if this is not spent, the monies will fall into fund balance. Ms. Scott requested adjusted adjusting this fee to \$13,000 and adjusting the contingency from \$5,000 to \$10,000.

EIGHTH ORDER OF BUSINESS

Summary of Access Control Test – July 2008

Mr. Morris reported that he had coordinated an access control test with Ron Albeit and Mike Charbonneau. He explained that he had recently presented himself as a realtor attempting to access a residence that he knew to be for sale. Mr. Morris advised that the guard was unable to contact the resident via telephone; the guard then gave him a CDD map and advised that he could enter the community but had to remain on the roadways outlined on the map. Mr. Morris said he was also provided with a Home for Sale form. He stated that it appears the Post Orders are being followed as written.

Discussion ensued briefly on this topic.

NINTH ORDER OF BUSINESS

Update on Irrigation Study

- **Consideration of Entrix Proposal**

- **Consideration of Wesco Turf Proposal**

Mr. Cole distributed copies of two (2) proposals for consideration. He explained that the irrigation pump house is located at Lake 88. Mr. Cole stated that there will be an additional pump station on the east side of Aviamar near Sandpiper Drive. These systems will be interconnected. He stated that snail brine is being drawn into the system from the lake water and as they grow, they create problems with clogging the irrigation heads. He stated that this is a problem throughout South Florida and the proposed study is to improve the water quality that can be used by the Villages, while reducing their expenses for filtering and cleaning lines from these snails.

Mr. Morris explained the history of this discussion item. He advised that staff had met with representatives from Entrix to come up with a plan and scope for a comprehensive study on water quality sampling and to do a thorough inspection of the system. Mr. Morris said the intent was not to take a one-time snapshot of the system but to implement an ongoing investigation that may involve multiple remedies and trial and error approaches.

Entrix Solutions Presentation

Larry Holland, with Entrix Solutions gave a presentation summarizing the terms of their proposal. He explained that the problem of snail infestation in Florida's irrigation systems has become a more prevalent problem in the last few years. He spoke of various efforts that have been tried unsuccessfully to resolve this problem in various golf course communities. He added that there is practically no literature available about managing this infestation. Mr. Holland explained that the study proposed is to do more laboratory tests; test samples and examine different environments in the system. The final result is to try different treatment methods and recommend how to move forward.

Discussion ensued on this topic.

A concern was raised about the \$73,000 fee presented in the proposal. Mr. Holland stressed that there is no guarantee about the success of this work and no guarantee his firm can keep the snails out of the system.

Ms. Scott voiced concern that this Board should not take the lead role in funding research for such a new environmental phenomenon. She suggested that someone on staff can consult the academic community and gather information on this information for free. It was stated that all

efforts should be made to research this by other means first, before considering the expense of a \$73,000 fee.

Mr. Robertson agreed and questioned why this Board should be the cutting edge researcher on an environmental problem that SFWMD should be concerned about.

Mr. Robertson suggested tabling this discussion until further information is gathered.

Mr. Adams suggested that the safest and most reasonable route would be a mechanical approach to removing this organism. He spoke of efforts involving blow off valves in other neighborhoods as a means of mechanically resolving this problem. He said that good results have been seen from the main transmission lines where this has been attempted. Conversation also ensued on the possibility of chemical treatment with chlorine. Mr. Robertson cautioned against the environmental impacts from using significant amounts of chlorine.

Discussion ensued further on this topic.

Mr. Adams suggested that staff collect some samples and have them analyzed by a lab to determine the species of snail, and then see what kind of additional free information might be forthcoming from other agencies. After this, the Board can consider moving forward depending on feedback gathered.

Mr. Brougham, Chair of CDD #1, agreed that this time should be tabled in both districts based on the amount of unknown factors involved and until additional research is gathered on possible methods of mechanical removal.

Ms. Scott requested an estimate on mechanical removal methods. Mr. Adams said staff will provide this information.

This item was deferred until further information is gathered.

TENTH ORDER OF BUSINESS

Approval of June 25, 2008 Joint Meeting Minutes

Corrections to the minutes were provided as follows:

Line 226: Correct spelling of Campanielle.

Line 268: Change principles to principals.

On MOTION by Mr. DiNardo and seconded by Ms. Scott, all voted in favor of approving the June 25, 2008 minutes as corrected.

Mr. Adams stated the Board needed to discuss re-organizing based on Mr. Correia's appointment to the Board.

Mr. Robertson nominated Mr. Correia as Vice Chair to the Board. Ms. Scott seconded the motion.

On MOTION by Mr. Robertson and seconded by Ms. Scott, all voted in favor of appointing Mr. Correia as Vice Chair.

ELEVENTH ORDER OF BUSINESS

Staff Reports

a. Attorney

No report was provided.

b. Manager

i. Unaudited Financial Statements as of June 30, 2008

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

ii. Quarterly Continuing Disclosure Report, April 1, 2008 to June 30, 2008

Mr. Adams said this is an informational item. He explained that this report provides statistical data to the bond holders and investment community.

c. Operations Manager

Vandalism: Ms. Crismond reported that Ron had spoken with the director of Habitat for Humanity, who advised that damage to the wall was not malicious but rather an accident. Mr. Albeit advised that per discussion with Lisa, it was determined that the damage took place from a ball going over the fence during a soccer practice. He stated that Habitat was willing to assess the neighborhood to pay for the damage. Subsequently they have moved on this and this should not happen again.

Landscaping: Pine straw, plant replacements and tree trimming work are still ongoing.

Mr. Robertson said that to his observation the contractor in District #2 appears to be doing the pine straw work differently than in District #1. He felt the work being done in District #1 looked better than what was being done in District #2. Mr. Adams stated that the contractor for District #2 has chosen to subcontract this work. Mr. Robertson felt the subcontractor is not doing the best job on this work in District #2.

TWELFTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

No requests or comments were made.

Mr. Adams advised he had distributed monthly statistics regarding security incidents on site along with a protocol for the Board to review for after-hours use of Championship Gate.


THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Scott and seconded by Ms. DiNardo, all were in favor of adjourning.

There being no further business to discuss, the meeting was adjourned.

****No adjournment time provided.****


Secretary/Assistant Secretary


Chairman/Vice Chairman