

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
December 17, 2014**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, December 17, 2014, at 9:00 a.m. at the Pelican Marsh Foundation Building.

APPEARANCES:

Frank Garofalo, Chairman

Robert Smith, Vice-Chairman

Sally Dupler, Supervisor

ALSO PRESENT

W. Neil Dorrill, Dorrill Management Group

Dave Robson, District Engineer

Anthony Pires, District Counsel

John Vanover, Operations Manager

James Calamari, Access Control

ROLL CALL

Chairman Garofalo, Mr. Smith and Mrs. Dupler were noted to be in attendance with Mr. Walker being absent.

APPROVAL OF AGENDA

With the addition of Item 5D, Tiburon Road Condition, **on a MOTION by Robert Smith and a second by Sally Dupler, the Agenda was unanimously approved.**

Chairman Garofalo indicated that he, Mr. Vanover and Mr. Robson had looked at the Tiburon situation as well. This will be discussed under the Manager's Report.

APPROVAL OF MINUTES OF NOVEMBER 19, 2014 REGULAR MEETING

On Page 6, the starred name should be Robert Zlobl, and should be changed in the three lines where the name is spelled incorrectly.

On Page 11, in the third line from the bottom, the gentleman's name is Jorge.

With those additions, the minutes were unanimously approved on a MOTION by Robert Smith and a second by Sally Dupler.

FINANCIALS

The first month financials showed the revenue received in November was slightly lower than in previous years, but for the first time ever to Mr. Dorrill's knowledge the tax collector made a distribution at the end of October, perhaps as a result of the auto pay, early pay or quarterly pay programs. \$32,000 was booked on the revenue report in the month of October, and is not part of the unused fees distribution.

On the balance sheet Mr. Dorrill pointed out that the year's lowest cash position was reached at the end of October at \$870,000 against \$100,000 in payables before the November distributions begin. The income statement showed the \$32,000 from the tax collector, and first month expenditures were approximately \$480 over budget, but will quickly correct itself.

Mr. Smith asked what the \$2,000 refundable fence deposit on the first page under assets was about, which was noted on page two as a refundable deposit for that same amount. Mr. Dorrill indicated that he would have to check on that for Mr. Smith.

Mr. Smith also asked if the Workman's Compensation bills were so much higher due to past accidents, and Mr. Dorrill agreed that all the amounts are over the estimates, and an inquiry has been made on this which may result in some re-pricing with another firm. This increase was due primarily to a serious injury involving a broken foot and significant post surgery complications. Mr. Vanover noted that this excellent employee is now back at work, and this was the only injury of any note that occurred.

Mr. Dorrill advised the Board at this point that Dan Freeman, a long term past employee, passed away over the weekend. He was remembered as an excellent employee for the District. At the Chairman's request, a follow up remembrance will be sent to his family from the Board.

On a MOTION by Robert Smith and a second by Sally Dupler, the first month financials were

unanimously accepted by the Board.

MANAGER'S REPORT

A. Process for Selection of Replacement Supervisor

The process for this selection has begun for individuals interested in being considered for this position, and Mr. Dorrill intends to have those names on the agenda in January for the Board's consideration. These individuals will be asked to attend the January meeting and give a brief summary of their background and experience. Following that, nominations would be made, and if necessary a vote will be taken.

Mr. Smith suggested that as the meeting today should be short, that any of these interested residents in attendance be asked to stand up and introduce themselves. Gary Gorran from Watercrest noted that he has been a resident of Pelican Marsh since 1999 and has served on the Foundation Board and sat as president of his HOA for a number of years. He noted that he has been attending these meetings since 1997 and has taken a great interest in the District. Jeff Randall from Watercrest indicated that he has lived in Watercrest since 2008 on a permanent basis, and in the District before that on a temporary basis since 2001. He is a retired licensed attorney in Illinois and Florida, and presently is the president of the Watercrest HOA. He has served on the Board of the golf club, the Immokalee Foundation, the Immokalee Community Development advisory Board and is a guardian ad litem for the Court, representing abused, neglected and abandoned children in the area. During his practice of law he represented municipalities and advised Boards on various issues. He has been attending District meeting since the beginning of 2014 and likes the way this Board communicates and works with the residents, and would like to be a part of it.

Jim Carter, also a resident of Watercrest, has been a resident of Pelican Marsh since 2002 and in Collier County for 35 years. He is a former County Commissioner and served on the Foundation Board for six years. He was the president of the Watercrest HOA as well for several

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years, and has been very active in the Collier County Presidents Council. He has been attending the Board meetings since living in Watercrest, and has seen it evolve to where it is today. He feels it is a great Board with great management, and would very much like to be a part of it and continue to contribute to his community.

Robert Zlobl has been a real estate developer since 1973, and has been involved with single and multi family homes primarily in Lee County since that time. He has been in Naples since 2000 and bought a home in Tiburon in 2005 where they are full time residents. His primary interest in becoming involved with the CDD is to help represent the people of Tiburon. He has been on the Board of Escada Estates since WCI's turnover, and noted that they, like the CDD, are dealing with challenges that they inherited. He is interested in finding out how the whole process works, and to bring his development expertise to help in any way possible, as he has worked on the development process of many Gulf front parcels through turnover and dealt with those complications and environmental challenges.

Don ***Comerantz was a professor and Department Chair at Connecticut State University, and worked from an administrative standpoint there for several years. He has been a resident of Pelican Marsh since 2002, and a full time resident since 2005 in Ventura. He has served on that HOA Board twice and was president of it for three years. He noted that he has not had the experience that the other gentlemen have had, but he felt that there is not a better place in the area than Pelican Marsh, and would like to make a contribution to his community. He is a Literacy volunteer as he speaks French and Spanish, and while he would be a novice on the Board, he would welcome the opportunity to work for the CDD.

Lou Bushley from Mont Claire has been a resident since 2012. He has served on his community Board as treasurer for the past two years. He was a licensed CPA in Cincinnati for his working career, first as a partner in a major firm, and then with his own firm. His work was mostly with condominium associations, and he served two terms on their local Board of Education during that time, and was Chair of the Audit Committee for the Cincinnati Board of Education. With

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this background in finance, he has been able to assist with financial issues on these Boards. He has attended only a handful of meetings, but last summer he had the opportunity to meet with Mr. Dorrill and asked a number of questions about the District and was very impressed with Mr. Dorrill, his demeanor and his knowledge. He has also spoken with several residents and he complimented Mr. Vanover and his crew on the wonderful job they are doing. He added that he felt it would be very rewarding to work for the community of Pelican Marsh.

Chairman Garofalo asked Mr. Pires that as they only have a four person Board, if only three were present, as is the case today, would a vote of two to one be legitimate. He was advised that it would be, as long as it is a majority of the quorum. More than one nomination can be made, and a Board member can second a second nomination, even if he seconded the first nomination.

Mr. Pires then explained the voting process in this case, noting that there are several ways to accomplish this. There cannot be any secret ballots, but there could be a signed paper ballot that will become part of the public record. One approach would be ranking the candidates on a one through four basis, or however many nominees there were, and those would be tallied with the person receiving the most votes in the first spot being selected.

Another approach would be taking nominations as they are received, and there may be a quick winner or a tie vote, which is a no vote.

Chairman Garofalo felt that the ballot as explained by Mr. Pires may be the fairest way to do this. Mr. Dorrill indicated that it is at the Board's discretion, but he felt it was easier to vote than to rank, and Mr. Smith agreed that he did not want to rank the candidates. The Board members discussed the process as there were so many qualified candidates for this chair, and wanted to be as fair as possible to all of them. The Chairman felt that they could go through multiple votes on paper to reduce the field to two or three people. The Sunshine Law prohibits secret voting as well as discussing the candidates outside of the public meeting. Mr. Smith

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also felt that it made it difficult to decide among friends, as the candidates are all qualified and friends of the Board members as well. He suggested that each Board member should pick their top three candidates, which would make it easier to select one.

Mr. Bushley indicated that in Ohio these selections could be made in closed door sessions, and Mr. Pires explained the very strict Sunshine Law in Florida which allows closed door sessions only in the cases of pending litigation, access control and security issues, and certain personnel issues. In response to a question as to why this appeared to be a challenge for the Board, the Chairman indicated that this is the first time so many qualified people were interested in serving, and Mr. Smith added that this would be a full, four year term rather than having someone finish out a few months of someone's service on the Board. This item will be put on the January agenda when a full Board is present and a determination can be made at that time. The Chairman noted for those present that he has put his house on the market, and does not expect to serve out the full four years he was just elected to. This will open another seat on the Board, and he urged any of the candidates who may not be selected to fill the seat in January, to re-apply when his seat becomes vacant, probably later in the year.

Chairman Garofalo complemented all the candidates as being outstanding men with unique skills to bring to the open seat, and felt that the slate should be reduced to the Board members' choices of the top three men to make the process fairer to all. Mr. Dorrill added that if a nomination process is used, nominations will not be closed after the first one, but only when all nominations are received. He indicated that a process will be in place next month, and the Board will have the choice of voice votes or written ballots which will be signed and made part of the meeting record.

Mr. Pires also advised the Board that the decision must be made by February 16, so January will be the time to make the decision. After speaking with Mr. Carpenter at the Supervisor of

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Election's office, he confirmed the information regarding Statute 190, which states that the position must be filled 90 days after it becomes vacant, with an attorney in the State's Division of Elections. Mrs. Dupler asked if there could be any self-nominations, and was advised that there could not in this case due to the unique aspects of Chapter 190, and that the decision is the Board's alone.

B. Update on Registrations for Website Guest List Control

For informational purposes only, Mr. Calamari advised the Board that this new program was instituted in November, and started On December 1st. Roughly 200 people are currently using the program, or about 10 percent of the residents. All the initial issues have been addressed and it is running smoothly.

Chairman Garofalo indicated that an e-mail blast would be sent to the residents in February, and another article will be put in the newsletter to encourage people to sign up. Mr. Gorran asked Mr. Calamari if a guest is put into the system, will it confirm that this person is registered, and he was advised that the system will do this. The Chairman indicated that Mr. Gorran can check on this himself the following day by logging in and checking his guest list.

C. Lake Bank Restoration Contract

Mr. Dorrill indicated that use of the Geotube has been very well received in the District, and the Contractor is American Shoreline Restoration. The survey for the next group of lakes to be done was coordinated by Mr. Carter. The recommended contract, which is on a linear foot basis and includes sod restoration and special provisions for drain spouts, is the same as the previous year at \$120,000. Work will be done in the early spring when lake levels are at their lowest point. The scope of work is approximately \$40,000 less than the budget appropriation. Chairman Garofalo also pointed out that this contractor has developed, along with Mr.

Vanover, several efficiencies on how to do it better and faster in the several years he has been doing this work, and has also given the District a break in the cost. Mr. Smith pointed out that this is the last year under this contract, and Mr. Dorrill noted that they would be rebidding it in fiscal year 2016.

On a MOTION by Robert Smith and a second by Sally Dupler, the Board unanimously approved the contract work for \$120,000 for the lake bank restoration.

D. Tiburon Road Condition

Following the LPGA event and the Shark Shootout the previous weekend, a situation arose just south of the intersection of Marquesa Royale Lane on the main Boulevard, which was the primary dropoff point for patrons coming from auxiliary parking lots. The charter bus company that was used was Martz, and one or more of the buses dropped quite a bit of oil on the road. It may be necessary to do a de-greasing process and pressure washing. This area is immediately adjacent to a catch basin that feeds the lake, and Mr. Dorrill expressed some concern about water quality in the catch basin with the pressure washing and degreasing. There was also some hydraulic fluid dropped just north of that area.

It is being coordinated for cleanup, and with all the positive publicity Pelican Marsh receives from these events, Mr. Dorrill was anxious that the residents not be left with a bad feeling about them.

Chairman Garofalo indicated that he, Mr. Robson and Mr. Vanover are going to look at the area after the meeting, and he will send an e-mail to the Shoot Out representatives and work out a reimbursement to the District for the cleanup. Mr. Randall asked if the CDD entered into an indemnification agreement with the event organizers, and was advised that there is a license agreement as it pertains to some general conditions for the parking and staging areas. Road damage may have to be added to the following year's contract, but neither the Chairman nor

Mr. Dorrill anticipated any problems in taking care of this issue.

Mr. Pires agreed that the District should take care of having the work done, and be reimbursed from the event company.

A resident indicated that he was in the emergency response to spills in the environmental business for many years, and although dilution is often used to treat these issues, he did not feel it would be appropriate that any runoff get into the catch basin and eventually into the lake. He noted that it can be contained with a portable berm around the affected area and a special machine then sucks it up and properly disposes of it. The Chairman indicated that he liked that idea, and that could be part of the requirements to fix it. Mr. Dorrill indicated that they will follow up on this and keep the Board advised.

ATTORNEY'S REPORT

A. Vanderbilt Beach/Pine Ridge Wall

Mr. Smith asked about the status of the wall on Vanderbilt, and Mr. Pires referred the question to Mr. Dorrill as he had more information on it.

Mr. Dorrill indicated that the issue has been taken to the County Manager who was reminded that his staff was supposed to be doing some pricing alternatives as part of a settlement agreement that would absolve the District from any future maintenance in that area. His staff had not done this, and Mr. Dorrill asked that this be done, and that the next dispute meeting with them be rescheduled for the third week in January.

Chairman Garofalo indicated that it was his intention to have the three Board members who were present attend the follow up meeting, with a document in hand that has been reviewed beforehand. There was a verbal agreement at the last meeting that should be in writing, and once the Board members feel it is appropriate, it can then come back to the Board for approval in public session. Mr. Dorrill assured the Board that he will follow up on this.

FOLLOW UP QUESTION ON LAKE RESTORATION

At this point a resident asked what three lakes would be involved in the restoration, and was advised that it was one lake in Arielle, one in Ventura, and one in Marsh Lakes. The Chairman also advised those present of the criteria used to determine the order in which the lakes have been done. The newsletter that is coming out will list the lakes that will be done in the next five years, and he urged any resident who felt that their lake needed more immediate attention to contact staff, and they will be responded to.

ENGINEER'S REPORT

A. South Florida Water Management District Permit Transfer

Two of the permit transfers have been stalled due to environmental concerns regarding the conservation area east of Troon Lakes and Airport Pulling Road. The District has stressed that they are taking care of the stormwater system in these two areas, but the transfers will not be completed until the water level monitoring is re-instituted, and the South Florida Water Management District is working with WCI to see that this is done. Mr. Robson has advised the South Florida Water Management District that they agree with them, and do not want those transfers until this issue is taken care of.

SUPERVISORS REQUESTS

A. Christmas Lights

Mr. Smith noted that there seemed to be fewer lights at the 41 entrance and asked if some were eliminated. Mr. Vanover indicated that the only thing left out this year were the ficus trees around the monument, as they had been cut back due to white fly. Additionally, Mr. Smith noted that some of the lights on the wreath at the guard house appeared to be out, and Mr. Vanover will check them after the meeting.

B. Tiburon E-Mails

Mrs. Dupler asked if there was a list of the Tiburon residents' e-mails, and was advised that they were working to get those addresses from the new president to include in the e-mail blast system that is in place. Mr. Vanover added that he and Mr. Calamari had a meeting with Mrs. Hall and Mr. Croft who are running the Master at Tiburon and discussed getting this data from Tiburon. A mailing has gone out to the Tiburon residents asking them for this information so they can be included in future e-mail blasts. Mrs. Hall and Mr. Croft are being sent the e-mails as an interim solution, and they can then get information to the Tiburon residents.

PUBLIC COMMENT

Mr. *** asked if there has been any further discussion regarding the proposed gate at the new development next to Mercato. Mr. Dorrill indicated that there has not, and a new gate is not part of their current PUD amendment that is pending. Apparently there are some amendments to the housing product that will affect the size of lots, but it in no way entails re-opening that old issue. Apparently the construction is going to begin sooner than expected, and the developer was asked about containment with construction. Apparently a significant portion of non-permeable area that was soaking up water will be paved for this project, so a large influx of water will be experienced in Lake 8, which is part of the whole water system.

He asked that the Board be aware of this, as there was a payment by Lutgert Development initially to maintain that system, and to make sure that those connecting lines are dredged out as they did initially. Apparently some of them are considerably blocked by sediment, and this construction will have to be monitored.

Mr. Dorrill suggested that the District Engineer could follow up on this, and at the time a site development plan is filed it can be reviewed to make sure that it is consistent with the master drainage plan for Mercato. Chairman Garofalo noted that he feels that the developer has the responsibility to prove that their flow plan meets or exceeds the original plan. There is

presently \$90,000 in the restricted fund account for Mercato to address any of these issues, and the flow on the pipes will be checked.

Mr. Robson indicated that he has already contacted the project engineer and received a copy of the plan sets for the stormwater changes that they are making. They are in compliance with their South Florida Water Management permit, but Mr. Robson indicated that Joe *** is correct that there will be an influx of much more water.

ADJOURNMENT

With the reminder that the next meeting will be held on the 21st of January, 2015, and on the 18th of February at Tiburon, **on a MOTION by Robert Smith and a second by Sally Dupler, the meeting was then adjourned at 10:12 a.m.**