

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
FEBRUARY 18, 2015**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, February 18, 2015, at 9:00 a.m. at the Tiburon Health Club, Naples, Florida.

APPEARANCES:

Frank Garofalo, Chairman
Robert Smith, Vice-Chairman
Don Pomerantz, Treasurer
Gordon Walker, Supervisor
Sally Dupler, Supervisor

ALSO PRESENT:

W. Neil Dorrill, Dorrill Management Group
Kevin Carter, Dorrill Management
Dave Robson, District Engineer
Anthony Pires, District Counsel
John Vanover, Operations Manager
James Calamari, Access Control
Zack Coburn, Counsel for **** (Via speakerphone)

ROLL CALL

Chairman Garofalo noted that Supervisors Dupler, Smith and he were in attendance initially. Mr. Walker arrived shortly after the meeting commenced, and Mr. Pomerantz arrived during the financial report.

APPROVAL OF AGENDA

Chairman Garofalo advised those present that the issues with Tiburon would be addressed under Miscellaneous Correspondence. Under Item 5b, the word ponds was changed to stormwater lakes. **The Agenda was then unanimously approved on a MOTION by Robert Smith and a second by Sally Dupler.**

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Mr. Pires then noted for the record that when each action item is addressed, the Chairman should inquire of the audience if they wished to make any comments or ask any questions of the Board. If they choose to speak, they must give their name and address and the item they wish to discuss.

The Chairman thanked Mr. Pires, agreeing that this is the protocol, and if the audience has any questions related to a particular item that is under discussion, they can ask to be heard after the Board's comments. If they have an issue to discuss that is not an agenda item, they can address that under Public Comments towards the end of the meeting. There is a five minute limit for input on any item from the audience members.

APPROVAL OF MINUTES OF JANUARY 21, 2015 MEETING

On Page 2 on the 7th line from the bottom, the words "Tax Collector" should be capitalized.

On Page 3 on the 4th line from the top, the words "\$7,000 a month" should be changed to "\$5,000 a quarter".

On Page 7 under item D, "FDEP" should be spelled out as the Florida Department of Environmental Protection.

On Page 7 at the bottom of the page, Mrs. Dupler's comment, referring to "their", should read "the golf tournament manager's".

With those changes and corrections, the January 21, 2015 minutes were unanimously approved by the Board.

FINANCIALS

The December financials were provided to the Board, and the special revenue report showed actual collections being down by \$135,900 compared to the previous year. The year-to-date amount through the end of the first quarter was only \$45,000 less than the prior year, which is a reflection of the discounts taken by residents. The Chairman explained that loss to those

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members of the audience who may not be familiar with it as the discounts taken for early payment of taxes, resulting in lost revenue to the District. There is an adjustment on the budget to account for the loss, and the sheet Mr. Dorrill was referring to tracks the payments from the residents and helps the Board determine what the shortfall will be.

The balance sheet showed \$4,000,032 in cash, and combined fixed assets in the amount of \$28,640,000, the preponderance of which is in the infrastructure. Total assets of the District at the end of the first quarter was \$32,800,000. In terms of payables there was only \$88,000, for a total fund balance of \$31,594,000. The Chairman explained at this point that when the payments from the County and other sources come in, they are separated into operating money and the bond issues. Quite a bit of the liability noted is simply a paperwork transaction shifting money over, and does not reflect a real amount of money owed.

Mr. Dorrill noted that in the month of December the Board would see an extremely large amount of money on the income statement from people paying early to be able to claim tax deductions. \$1,161,000 was received in December, with total revenues year-to-date at almost 84 percent of the budget tolerance that was set.

Expenditures were shown as \$121,000 under budget year-to-date, and excess revenues over expenditures year-to-date stood at almost one half million dollars over the budget tolerance.

Mr. Walker asked about the ad valorem assessments showing a year-to-date variance of negative \$588,000. Chairman Garofalo clarified the way the budget was allocated, by 12 months, and there are faults with doing it that way. Manual adjustments are done as the year goes on and money is reallocated.

Mr. Walker also asked about the auto insurance and the number of vehicles being insured for \$4,600, and Mr. Vanover indicated that there were three pick-up trucks, two one-ton trucks, two patrol cars, a muck truck, and he felt that the several SUVs were included in that number as well.

Mr. Smith noted that the budget allotment for legal fees was quickly being reached due to

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ongoing legal issues, and the Chairman indicated that Mr. Pires would address those under his report. Mr. Smith also asked why the access control supervisor was not paid a holiday bonus during the month of December, and Mr. Vanover indicated that he did receive his bonus. Mr. Dorrill suggested that there may have been a journal entry removing it once the January statement was received from the payroll company.

In response to Mr. Smith's question, Mr. Vanover indicated that two 2006 Ford F-150s were replaced. Chairman Garofalo then noted that the staff does a great job monitoring costs while maintaining the qualities of the communities, and that there had been no assessment increases for operating costs for at least the previous five years. When WCI downsized Phase 1 of Esperanza and there were fewer units contributing, the revenue loss required a small assessment increase for the residents. Phase 2 has now been completed, and the Chairman felt that they may have to have an increase next year as well to cover that revenue shortfall. Chairman Garofalo also spoke briefly about the different housing facilities within the CDD, which includes private homes, condominiums the Galleria and Vanderbilt, all with different ratings.

On a MOTION by Robert Smith and a second by Gordon Walker, the financials were unanimously accepted by the Board.

Mr. Dorrill clarified for the residents that the actual assessment is a flat rate for the units, and then there is an equivalent for the commercial, all tying back to the original methodology.

MANAGER'S REPORT

A. Surplus Property Sale

Mr. Dorrill explained the requirements of Florida Law as it relates to the sale of surplus governmental property. Authorization is needed from the Board for Mr. Dorrill to declare the equipment that is being replaced as surplus to enable them to be sold. Mr. Smith asked why one of the two trucks being sold had much higher mileage, and he was advised that one of the trucks was for crews and stayed on the property while the other truck was used to pick up parts

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and other things that took it out of Pelican Bay quite frequently. The Chairman indicated that they had a projection of expenses going ten years out which was done in conjunction with the engineers, staff and the Board, which makes it easier to balance expenses and maintain a constant assessment.

On a MOTION by Robert Smith and a second by Gordon Walker, the Board unanimously approved the sale of the surplus property.

B. Recreational use of Pelican Marsh CDD Stormwater Lakes

Calls are received on a regular basis asking if the District allowed recreational fishing in the lakes at Pelican Marsh and Tiburon. The Board has an exclusive lake maintenance and drainage easement which gives them the right to spray and otherwise maintain the lakes along with ingress and egress rights to access the lakes. In no case, however, does the ingress easement extend to the public. In that regard, staff prepared a draft policy for the Board, and the Chairman suggested that the word right-of-way should be changed to easement throughout it. Mr. Pires suggested that the terminology be clear that the access provided to the District for service and maintenance to the lakes does not give the public the same rights.

The Board members went through the five points of the draft policy, noting first that this policy will pertain only to the Pelican Marsh CDD lakes.

The first point was that no private watercraft of any kind is allowed on Pelican Marsh CDD lakes. The Board members agreed with this point.

The second point was that the property around the Pelican Marsh CDD lakes is private, whether it belongs to the golf course, the residents or the CDD. The Board members agreed with this point as well.

The third point was that this easement allows the Pelican Marsh CDD to service these lakes and does not give the public the right to fish from the easements as the easements are on private property. The Board members agreed with this.

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The fourth point was that the Pelican Marsh CDD allows individuals to fish from their Pelican Marsh or Tiburon CDD property. Mr. Pires then noted that the distinction would have to be made that this is not private, but governmental owned property. He also noted that there were a number of other instances that needed clarification, such as the lake located south of Vanderbilt Beach Road and west of Goodlette Frank Road which is solely owned by the CDD. Mr. Pires then asked if the fourth point was referring to Pelican Marsh residents or the public as a whole as being able to fish from the property. He added that the stormwater lakes have a special purpose function, and no trespassing signs would have to be installed to prevent the public from fishing.

Chairman Garofalo felt that they should allow people to fish from Pelican Marsh lakes as opposed to installing these signs which he felt were eyesores. Mr. Vanover did not consider the fishing problem to be a big one, noting that it was usually residents or guests of residents who fished in the lakes. Problems have occurred when people from Troon Lakes fished in the lakes behind the single family homes in Marsh Links. Mr. Boswell from Ivy Point added that non-residents have parked in his cul-de-sac, walked between the homes on private property to fish in the lake behind the homes between Ivy Point and Marsh Links. A similar situation has occurred at Tiburon.

The fifth point was that because the property is private, individual property owners will be responsible to enforce any violations on their property. This brought up the responsibilities of the CDD in various situations, whether it is private property with a public road, or private property with a private road, or District roads, such as Pelican Marsh Boulevard. The CDD's responsibility in those various situations must also be addressed. Chairman Garofalo did not feel that the CDD should be responsible for incidents of trespassing on private property. If an HOA owns the property around a lake, then they are responsible for handling violations because they are the owners of the property. Additionally, the Chairman did not feel that the CDD had any authority to put a sign on private property. The Foundation has rules and

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regulations about signage, and a private property owner should check with them to determine what is allowed in that regard.

Mr. Randall from Watercrest felt that this issue was confusing enough, and suggested that rather than going through all these points, perhaps a policy should be adopted that says no fishing except on CDD property.

Beth *** from Escada did not feel that the policy should begin with the words that fishing is allowed as people will just see that. She suggested that Mr. Randall's verbiage be used, that indicates that no fishing is allowed except on CDD property. (overtalk)

Mr. ***Cole from Marsh Links asked for clarification on the lake in Marsh Links as to whether it was a CDD lake. Mr. Pires indicated that they have a listing of the ownership of all the lakes in the District, and the lakes are not all CDD property or owned by the CDD, but they are all CDD stormwater lakes. Mr. ***Cole then asked who owned the 20 feet of grass from his property line to the lake, and does he have any authority to tell someone that they cannot fish on that piece of property. Mr. Pires noted once again that every lake is different, and the actual fee simple tract is well defined and there may be a lake maintenance easement.

Mr. ***Cole restated his question, whether people have a right to come in and fish from the Marsh Links lake if they stay within that 20 foot easement around the lake itself. (overtalk)

The Chairman indicated that there is an easement of five feet on that property, and noted that the question was how can they control what happens outside of the property line at low water.

Mr. Pires indicated that the location of the water line is not the demarcation as to who owns the property. The tract is described in the plat, and that is where ownership is determined. Someone else owns the property at the end of Mr. Cole's property line, and Mr. Cole assumed that it is the CDD, in which case people will be allowed to fish there according to the draft policy.

Chairman Garofalo suggested that the wording indicate that fishing is allowed on common

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ground where there are no homes, condos or the golf course. He added that they can clarify the wording to say that Pelican Marsh community property is defined as the common grounds. Mr. Boswell asked about access through private roads and property to get to Lake 48 in Ivy Point which has a 20 foot bank, and wondered how they can prevent that trespassing in the future, and if they had to have their property posted. Chairman Garofalo suggested that they call the Sheriff in this situation. Mr. Pires added that the HOA call the Sheriff's Office to see what their requirements are.

Dan ***Roth from Esperanza felt that adopting this resolution would be opening up a can of worms, because anyone coming into Pelican Marsh to fish has no idea who owns what lake and where it is permissible to fish. Further discussion was held on the various people who do fish in the lakes, and the difficulty of controlling who can and who cannot fish. The Chairman reiterated as he had stated at the beginning of this conversation, that the District does have an easement to the lakes, but that does not give anyone the right to fish on that easement, as it is private property.

At this point Mr. Dorrill reminded everyone that this draft resolution was intended to be an introductory item, and he asked the Board if there was a consensus among them to develop a policy, and if so, if the neighborhood associations should be consulted as well as the two Foundations. He also suggested that a committee could be appointed, and reminded the Board that if more than one of them sat on that committee, there would have to be a public notice.

Mr. Randall asked even if it was private property, was it automatically trespassing to cross over it, as at this time there is no signage or posting to indicate that the property is private.

Mr. Roth asked if it was possible to designate certain lakes for fishing within the District, and Mr. Vanover felt that CDD Common Ground lake areas should be the only places where fishing is permitted.

Chairman Garofalo did not agree with that as it felt it was not proper to tell a homeowner that

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he could not fish in his own lake. Mr. Smith indicated that any resident should be able to fish on his own property, and the CDD Common Grounds, for instance at Lake 5, would be open for fishing. The clarification was also made for a resident that when they speak of people fishing, they are referring to the general public, and not just residents.

Mr. Pires suggested that there may be a better way to approach the concept of common ground, not using that term.

Susan Roda suggested that the residents be asked what their feelings and recommendations are on this topic, and the Chairman advised that in his experience there will be a split in opinion, and it is best for the Board to make a decision as to what is best for the community. A final comment was made by *** about the small percentage of residents in Pelican Marsh who like to fish as compared to the community as a whole, but the Chairman reminded him that this amenity was similar to the tennis courts and the fitness center, used by just a few, but still worth having in the community.

Mr. ***Bentz from Troon Lakes asked what the initial issue with fishing was, and was advised by Jean McMurray that she felt the issue was security; when several young men come to the lake and are on her neighbor's lawn fishing, she feels a great deal of concern. Chairman Garofalo felt that it was mandatory to have a policy in writing on this issue, which will be sent out via email to all the residents and the Foundations so everyone will be advised.

Mr. ***Bentz then suggested that this was not a fishing issue, but a question of security and how proper security was going to be provided in a gated community, behind people's homes, and that is what this Board should address.

Mr. Smith suggested that Mr. Pires and Mr. Dorrill meet and discuss this issue and bring some suggestions to the Board. Mr. Pires briefly explained the law as it relates to the general security of Pelican Marsh and the rights of people to come into the community as the roads are public. Access can be regulated and identification asked for, and people with no special destination can

be advised that they must stay on the public roadways, and a map will be provided to them.

It was suggested that the topic be tabled for now and that the discussion be taken up again as a security issue rather than a fishing issue. Chairman Garofalo reminded everyone at this point that Pelican Marsh does not have security, but it does have access control.

Robert Smith then made a motion to table this issue until the following month, during which time Mr. Pires, Mr. Dorrill and Mr. Vanover will meet and attempt to come up with a plan for the Board to consider. Sally Dupler seconded the Motion, which was unanimously approved by the Board.

C. Overview of Community Development Districts

There are almost 500 CDDs in the State of Florida, and they are governed under Chapter 190 of the Florida Statutes. The first special district in Florida Territory was in 1822, before Florida became a state. There were only two cities in Florida, St. Augustine and Pensacola, and as they could not agree on where to put the capitol, a coin was flipped and the capitol went to a swamp called Tallahassee. That gave them the right to build a ferry across the Suwannee River, and to create a bridge and highway which became the first special district. The first two special districts created in the State of Florida was the Pelican Bay Improvement District and the other, the Reedy Creek Improvement District, now known as Walt Disney World. Both were created in the 1970's and launched all the other districts throughout the State. Tax free municipal bonds are sold to build the infrastructure, and it is owned by the people who live within it. The Board members are public official who are voted for at the same time as the governor and other governmental officials. An audit is required by the State that must be approved by the Auditor General and by a select Senate subcommittee.

Mr. Dorrill thanked those in attendance, and advised them that they normally meet on the third Wednesday of every month. Chairman Garofalo added that the District was part of the State,

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and as such they had to follow the rules of the State. All meetings are recorded, published, posted on the internet and open to the public.

Mr. Pires pointed out as well that the District is a governmental body which enjoys sovereign immunity and is subject to the Public Records Law and the Florida Sunshine Act.

ATTORNEY'S REPORT

A. Vanderbilt Fence Update

Mr. Pires gave those present a brief background on this history of this issue, and the County's efforts over the past few years to get the Pelican Marsh CDD to assume responsibility for the concrete wall that meanders along the southern portion of Vanderbilt Beach Road between Airport Road and Goodlette Frank Road. It is the District's position that the wall belongs to the County as it is in the County right-of-way. The County threatened action against the District at some point the previous year, at which point the CDD initiated a dispute resolution process between governmental bodies, and that has been ongoing with no resolution up to this point. Mr. Pires then asked Mr. Dorrill to report on it as he had received some communication from the County.

Mr. Dorrill indicated that they had a conversation with Nick Casalanguida, the administrator of the County's Growth Management Department. It appears that a verbal agreement is in place, subject to the approval of the County Manager, where the District would convey to the County that parcel of land owned by the District that is contiguous to Pine Ridge, and the associated irrigation system. In return, the County would release the District from any maintenance of that area in the future, including all the landscaping on the south side of Vanderbilt Beach Road, to include approximately two acres of land on the other side of the concrete fence. Mr. Dorrill hoped to hear back from Mr. Casalanguida this week, and a settlement agreement between the two parties will be drafted for the Board's approval at a subsequent Board meeting.

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Chairman Garofalo then spoke to the meeting that was held four months ago with the County representatives where he felt a tentative agreement had been reached, and now, four months later when the County was asked for a written a document, the verbiage had been changed. After Mr. Dorrill's intervention, it appears that the original agreement will be honored. If the agreement does not hold, the next step will be the CDD Board meeting with the County Commissioners to discuss the issue in an open session.

A five minute recess was then taken.

Before moving forward with the agenda, Chairman Garofalo made a comment regarding their previous discussion about assessments, indicating that the square footage of a home did not affect the operating assessment amount, which was the same across the board.

B. Pratt Lawsuit Update

As Mr. Pires had advised the Board earlier, the Motions to Dismiss filed earlier on behalf of the District, the individual supervisors, the Tiburon Master HOA and James Calamari have been granted by the Magistrate, who entered a recommended order that would go to the Court that the case be dismissed without prejudice. Mr. Pires briefly advised those present about the lawsuit that was filed by the two residents, alleging a number of matters, some of which were scandalous and offensive.

Since the time of the Magistrate's recommended order, there have been discussions about a stipulation for a dismissal with prejudice in the lawsuit, which means that all the matters would be dismissed in this case without an option of re-filing. As the District is a governmental body the action needs to be taken in an open session, and the discussion being held was to determine if the Board agreed to the joint stipulation for dismissal with prejudice, or if they

wished to have a re-settlement agreement. Mr. Coburn agreed with the joint stipulation for dismissal with prejudice. *** (His comments were garbled, could not be heard properly.)

Chairman Garofalo noted that this lawsuit was all about a transponder, and Mr. Pires added that at the time this lawsuit was filed and the initial Motion to Dismiss was filed, Mr. Pires also prepared a Motion for Sanctions and Attorney's fees and served it on the other parties' attorneys with an indication that if the lawsuit was not withdrawn or dismissed, he would file his Motion for Sanctions with the Court. If the District prevailed in the lawsuit, they would then be able to go after the Plaintiffs for attorney's fees, costs and expenses. Ultimately the Motion for Sanctions was filed, and it is still out there.

The Plaintiffs want assurance that the District would not sue for fees and costs, and in turn they would agree to the dismissal with prejudice. Mr. Pires advised the Board that he felt that this was a win/win resolution and was his recommendation to them, and Mr. Coburn mentioned that the Plaintiff's attorney had filed **** (inaudible).

At the Chairman's request, Mr. Pires explained the difference between with prejudice and without prejudice. A suit dismissed without prejudice gives the plaintiff the ability to re-file a lawsuit within a set period of time to try to properly allege a cause of action. An action filed with prejudice means that the lawsuit is dismissed and cannot be filed again with those allegations. The Chairman clarified the situation as it stood, noting that the magistrate dismissed the case without prejudice, but the Plaintiffs will agree to a dismissal with prejudice in exchange for an agreement from the Board not to pursue sanctions.

***Mr. Coburn's comments were again inaudible.

A MOTION was made by Gordon Walker to authorize Mr. Coburn to send a communication to the Plaintiffs' attorney accepting the conditions that they would dismiss the case with prejudice and the District would not pursue sanctions or attorney's fees. Don Pomerantz seconded the Motion which was unanimously approved by the Board.

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Mrs. Hall from the Tiburon Estates HOA advised those present that her Board voted in favor of the same settlement and communicated that the previous week to their counsel.

At this point Mr. Pratt, who was present at the meeting, asked the Chairman a question about security. Mr. Pires advised the Chairman not to have any discussions with Mr. Pratt as litigation is still pending. Mr. Coburn agreed.

ENGINEER'S REPORT

A. Troon Lakes Permit Transfer

Mr. Robson moved forward with the draft letter and form for the South Florida Water Management District to enable the District to become a co-permittee with Troon Lakes on their lakes. He is awaiting notice that the issue is resolved.

B. Florida Department of Environmental Protection Tank Approval

The registration requirements for the 1,000 gallon fuel tank are moving forward, and Mr. Robson is still waiting for the insurance coverage information. He expects that this issue will be resolved shortly. Mr. Vanover apologized to Mr. Robson for the time this was taking, noting that they had to get a special rider for the tank, and he is in the process of working on it.

PUBLIC COMMENT

The Chairman indicated that they would change the order of the agenda in order to allow Ms. Hall to address her issues at this point.

Ms. Hall gave an overview to the Board of the events of the past several months, indicating that the HOA had been turned over to the residents. Three residents were elected to the Board, and they expanded the Board members to nine, the maximum amount that can serve. She indicated that their Board had met with Mr. Vanover and Mr. Calamari in November to

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coordinate with the CDD. Most of the people who are on the Tiburon Estates Board are presidents of the sub-association boards.

The decision was made to terminate Comcast, and Hotwire was hired to replace them. Fiber optics are being put in, and the termination date for Comcast's services is February 24. As they are behind schedule for installation, they have given Hotwire carte blanche to do what is necessary to get the job completed. An issue recently arose where one of the rovers had come through and as it was after 7:00, an installer from Hotwire was asked to leave. There was a great deal of communications the following day with Hotwire, and apparently no satisfaction could be obtained from the rover involved.

This incident brought the Tiburon Master Board to the discussion that starting with the Master gatehouse and back, that property is private. The CDD obviously has rights to access the lakes and other areas that were discussed previously in the meeting, but when it comes to the rules at Tiburon and what happens behind that gate, it is private property,

The Chairman indicated that he personally agreed with most of what Ms. Hall said, and felt that the Board needed to revisit some of their rules as they relate especially to private roads and District roads. He added that he would meet with staff on these issues and bring some changes back to the Board for their consideration.

The Chairman added, however, that he disagreed with Ms. Hall's comment in one of her communications that the CDD had to follow Tiburon's rules, and not its rules. He added that he felt that it would be appropriate to sit together and determine what the issues are and what can be remedied.

One of the things that the Chairman wanted to check with Mr. Pires about was the fact that they do not allow contractors in their communities from 7:00 p.m. to 7:00 a.m. or on Sundays unless the District gives them special permission. He was not sure if that is legal, and wondered if this rule could be enforced in private communities. Mr. Pires indicated that it was not a rule,

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but part of the post orders. Chairman Garofalo felt that had to be revisited to determine if some of the CDD's responsibilities along these lines could be transferred to the presidents of private communities. Mr. Pires indicated that if the Board wished to change the post orders that could be done.

(Overtalk)

Mr. Smith indicated that in the third paragraph it clearly states that the gateway and the road behind it is the property of Tiburon Estates, not the CDD, and Tiburon has the authority to set the policies and procedures in that regard, which is what the Board wanted. The Chairman agreed with that, and Mr. Smith suggested that they then let it go.

Mr. Pires noted that his comments were solely directed towards District gates and District roads, and the gate at Tiburon is neither. Chairman Garofalo indicated that the discussion was being held because he was trying to formulate a policy for both Pelican Marsh and Tiburon.

Ms. Hall indicated that she did not want the record to reflect that this was an issue being decided by herself as the president of the Tiburon Estates HOA. She noted that the Master Board approved their post orders that they have hanging in their gate house, which they referred the rover to. Additionally, Ms. Hall indicated that they coordinate with their sub-associations. Therefore, the hours and rules reflected in their post orders are the ones that any particular sub-associated wanted.

Another point the Chairman wanted to address was the Tiburon neighborhoods outside the Tiburon gates, such as Marquesa, and what the rules would be for them.

Ms. Hall also noted for the record that Comcast, Century Link and Hotwire are public utilities.

Mr. Dorrill noted that they have no dispute at all with that, and agreed that public utilities can come in at any time, and it was a mistake on the part of the roving patrol.

Mr. Calamari indicated that they already have policies on all of these issues, and the only enforcement they do is to call Code Enforcement or the Collier County Sheriff's Office. Mr.

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Pires agreed that this was the appropriate level of enforcement.

Mr. Boswell suggested that the governing documents, be it the HOA or the Mater HOA should determine the issues. Chairman Garofalo will go back and look at the documents and see if they are restrictive where they should not be, and in working with the Tiburon Master HOA, they will be able to make adjustments where they are needed.

Mr. Pires added that the rover is a security function, and the District does have security powers and the property owners are paying for that.

After some further discussion, the Chairman indicated that personally he felt the individual HOAs needed to be in charge of this issue versus the CDD. (overtalk) For clarification once again, Mr. Pires indicated that the District does not enforce the County ordinances or the Association's documents, covenants or restrictions imposed. They can, however report violations. The exception to that would be if someone was engaging in activity on District property.

Mr. Dorrill felt that the resolution to this issue is that the District employees simply have the authority to observe and report. If a violation is occurring with a contractor, they can report it to the appropriate agency, and that is the extent of their authority. It is not their job to be on private property enforcing criminal codes or county ordinances or condominium rules and regulations.

Mr. Pires added that as it relates to public utilities, there are regulations that they must follow, and occasions where they, too, must get governmental approval to engage in their activities.

Ms. Hall reminded the Board that their regulations on certain issues, such as when deliveries can be made, is governed by their post orders and their rules and regulations, and not the post orders and rules of Pelican Marsh.

Mr. *** from Escada noted that the communities are all so different as it relates to degrees of disturbance and difficulty, that it would be appropriate for each of them to have their own rules

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for delivery hours. Chairman Garofalo agreed that this determination should be up to that particular community. Mr. Pires felt that this point that they had the appropriate direction, and as it relates to a private gatehouse, they had no authority as to who goes in or out.

Mr. *** indicated that he had heard that the present sales center for WCI was going to be torn down, and wondered if this could be confirmed. Mr. Dorrill asked Ms. Hall to address this, and she noted that the only information she had was that WCI had informed their property manager that they planned to tear that building down within a couple of months. (overtalk) It was clarified that this was not CDD property.

Don *** from Esperanza noted that he was on the Esperanza Board as well as the Master Board, and noted that they have a water hazard that runs behind Esperanza to a levy with a pumping station. They have been contemplating beautifying that area with a water feature, and wondered how they would go about doing that. Mr. Vanover indicated that if it is a CDD lake, what they typically do is contact a pump contractor to come out and provide a map of exactly what work they wish to have done and bring it to the Board for approval. Mrs. Dupler wanted him to be aware that water features are expensive to maintain and service.

Joe *** from Tiburon asked what the operating hours were for the main fountain at the entrance to Tiburon, and Mr. Vanover advised him that it ran from 9:00 a.m. to 10:00 p.m. Chairman Garofalo explained that they had determined these running hours for the fountains to help control the expenses, and added that there are differing opinions across the board as to the hours the fountains should run. The large fountain at the entrance of Pelican Marsh runs on the same schedule. This gentleman suggested that it be turned on one hour earlier at Tiburon, at 8:00 a.m., and Mr. Dorrill indicated that they can evaluate that for him. Mr. Vanover noted that the Tiburon fountain under discussion cost \$2,000 a month to run, and the Chairman felt that other residents would then ask that their fountain times be increased also.

Mr. **** advised the Board that he felt the maintenance done by the CDD for Tiburon was excellent, and that they do a beautiful job keeping the sidewalks clean, and suggested that they clean the curbs as well as they are quite dirty. Chairman Garofalo advised him that this discussion has been going on for years, but every time it rains or the lawn is irrigated, the curbs quickly turn black again. He added that there are rules as it relates to using non-corrosive materials as they end up in the water system. This resident ask the Board to consider doing the curbs at the same time they do the sidewalks. The Chairman then noted that the sidewalks are done for safety as opposed to esthetic reasons.

Mr. Dorrill added that once before they had gotten some estimates to do the curbs on the roundabouts, and the Board vetoed that idea. He added that if there is community interest in this they can revisit it when they prepare the tentative budget.

Mr. Sparks from Grand Isle asked about the turnover of the land on Vanderbilt Beach Road to the County that was discussed earlier. He asked the Board what the total expenses were to maintain that significant amount of land, and was advised that the costs were roughly \$1,000 a month. Mr. Dorrill added that this property does not in any way benefit the residents and taxpayers of Pelican Marsh.

SUPERVISORS REQUESTS

A Sign Placement

Mr. Walker *****spoke to the issue of a real estate sign in the median – please check, could not hear. He asked that this policy not be ignored in the future.

B. Ventura Fence

In response to Mr. Smith’s question, Mr. Pomerantz indicated that they had a meeting where the residents voiced their opinions, and they will have a vote on this issue in the near future.

Mr. Pires indicated that this issue was up to the homeowners and there would not be a conflict of interest issue involved.

ADJOURNMENT

Mr. Dorrill indicated that the March meeting would be held on the 18th, and **on a MOTION by Robert Smith and a second by Gordon Walker, the meeting was adjourned at 11:45 a.m.**