

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
June 9, 2015**

The Board of Supervisors of the Pelican Marsh Community Development District met on Tuesday, June 9, 2015, at 9:00 a.m. at the Pelican Marsh Foundation Building, 1504 Pelican Marsh Boulevard, Naples, Florida.

APPEARANCES:

Frank Garofalo, Chairman
Robert Smith, Vice-Chairman
Don Pomerantz, Treasurer
Gordon Walker, Supervisor
Sally Dupler, Supervisor (Arrived at 9:05 a.m.)

ALSO PRESENT:

W. Neil Dorrill, Dorrill Management Group
Kevin Carter, Dorrill Management
Dave Robson, Johnson Engineering
Anthony Pires, District Counsel
James Calamari, Access Control

ROLL CALL

All members were in attendance. The Chairman noted that there were no minutes this month to be approved, and that the May and June minutes were to be approved at the July meeting.

A. Public Comment

No public comments were received.

APPROVAL OF AGENDA

With the removal of Item 3, the minute's approval, **the agenda was unanimously approved on a MOTION by Robert Smith and a second by Gordon Walker.**

FINANCIALS

The seventh month ending April 30 financials showed \$25,000 having been received in May, with the addition of penalties paid on the balance. The tax collector's certificate sale will provide additional funds that will be received in July.

The balance sheet showed \$2,600,000 in cash against \$117,000 in payables. As a summary for the primary general fund, during the month of April \$61,000 in non ad valorem assessments was received. Year-to-date revenues are approaching 94 percent at the end of seven months, and total revenues stood at \$3,200,000 for the year. The various overall expenses were \$94,000 under budget year-to-date for the total operating expenditures. The entire budget for capital expenditures has been spent on new vehicles and curb modifications.

Mrs. Dupler then joined the meeting.

Mr. Smith asked about legal fees, which are already over budget, and Mr. Pires reminded him that they had spoken about the legal fees involved in the transponder litigation, and the \$5,000 deductible the District had to pay before insurance covered the balance for outside counsel. Additionally, the issue involving the County and the fence issue took quite a bit of time to settle. Mr. Dorrill does not anticipate those sorts of issues for the coming year.

Mr. Smith asked if the overtime for access control had been handled, and was advised that the permanent, full time position for access control had been filled and should reduce the amount of overtime substantially. Mr. Calamari indicated that there are a couple of individuals he may consider hiring for a part time position once he has trained the new full time employee; however, their present part time employee may be returning to work in the near future. Mr. Calamari added that while overtime expenses are over budget, they have been under budget for full time employees due to the vacancies.

Chairman Garofalo asked about the issue with a fountain that occurred, and Mr. Vanover

Pelican Marsh CDD – Minutes

June 9, 2015

Page 3

explained that a valve had not functioned property and rather than cutting off ran for two or three days. The fountain has been fixed, and staff is working with the County in an effort to get an adjustment for the extra water that was used and billed to the District.

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

MANAGER'S REPORT

A. Transponder Policy and other Updates

Mr. Dorrill noted that these were just policy updates and no changes have been made, running the gamut of transponder procedures and resident access for invited friends and family, as well as weekend open house signs and recreational use of District lakes. These updates will be included in the policy manual.

Mr. Smith asked about items 7 and 14, wondering if they were in conflict with each other, and was advised that they were not, as each referred to different actions regarding the change of a vehicle.

Chairman Garofalo added that everything on the transponder list is word for word from the previous policy, and there were no revisions to it. These policies will be posted on the website.

B. Resident PMCDD Highlights

These items were suggested by a resident to clarify for everyone issues of public roads and private roads within the District. The word “considered” will be taken out of the second paragraph as it relates to the public roads in the District, as they are public roads and the public cannot be denied access to them, even when the bonds are paid off. A document with this information was prepared for distribution to all new residents, and will also be kept in the lobby at the community center for distribution. **On a MOTION by Gordon Walker and a second by Sally Dupler, the two updates included in items A and B were unanimously approved.**

C. Contract Renewals

The contracts under consideration have no increases over the current fiscal year, and will be effective for 2016. They include Lake and Wetland Management, which does the exotic control within the Community preserve and conservation areas for \$28,000 a year. The second contract is also with Lake and Wetland Management for surface water treatment and management of the master drainage system for \$153,459 a year. In response to Mr. Walker's question about a formal solicitation on these contracts, Mr. Pires indicated that there is a difference between the two contracts, and he had discussed this with Mr. Vanover. The first contract does not require a formal solicitation process and Mr. Pires has made a few minor revisions to it. In the aggregate, the total amount of the second contract requires the bidding process to occur. A one year contract can go forward this year, and the competitive solicitation process will have to be used the following year.

The final contract is with Trimmers Holiday Décor Services for the primary entrances. The cost is \$15,000 each for the main entrances at Pelican Bay and the Tiburon. Additionally, certain groups of lights in both communities are being left up until the end of season, and approximately once a month they are serviced at a cost of \$200. Approximately \$1,000 has been included in the contract for those maintenance costs. Mr. Smith suggested that the lighting on US 41 should be extended to include the trees all the way to the fountain, and staff will check to see what the costs would be to do that extra lighting, as well as the attendant electrical costs. Mr. Dorrill added that the requests for extra lighting have come from residents as well as the hotel. At Mr. Smith's suggestion, a line will be added to the contract indicating that the installation will be done prior to November 25th, as is the case with Tiburon's lighting.

A MOTION was then made by Mr. Walker and seconded by Mrs. Dupler to accept the above mentioned annual service contracts subject to the suggested minor changes made by Mr. Pires. The Motion passed unanimously.

ATTORNEY'S REPORT

A Vanderbilt Beach Road Fence Update

Mr. Pires provided the Board with a recommended agreement from the County, with the changes made by Mr. Pires. The most notable change was item 3, where the County wanted a full inspection and upgrade of the irrigation system, and Mr. Pires indicated that this would not happen, and this item will be taken out. Exhibits A and B were not attached to the copies provided to the Board, and Mr. Pires explained that Exhibit A was a legal description of the property and B was estimates of costs. There were a few other changes and deletions made by Mr. Pires, including the fact that the County would be a co-permittee only on the two SFWMD permits related to the area in question.

Chairman Garofalo indicated that if an email is sent by the County agreeing to the costs as laid out by the District for the repairs, and if the Board agrees, he will sign it. He wished to get this agreement to the County Commission before the July meeting, and asked the Board for approval to sign the agreement once the County staff gets approval from the Commission on the changes made by Mr. Pires.

Mr. Pires suggested that in light of the time constraints as the County Commission will not meet in August or September, a cover letter could be included with the agreement indicating that the Board agrees with the final document with the changes made by Mr. Pires, and asking that it be set for consideration by the County. The Board could also send the agreement with a cover letter indicating that this agreement, with the above-discussed changes, was approved by them. At the Chairman's request, Mr. Pires will include on the document the version number and the date it was prepared.

On a MOTION by Mr. Walker and a second by Sally Dupler, the Board unanimously authorized the Chairman to sign the document with the changes, insertions and updates made by Mr. Pires.

ENGINEER'S REPORT

A. Mercato Inspection

As discussed at the May meeting, Mr. Robson is making arrangements with Mr. Vanover to visit the construction site at Mercato to inspect the drainage system on the new construction as requested by the Board.

SUPERVISORS' REQUESTS

A. Bonus for Managers

Chairman Garofalo suggested that a bonus should be given to the managers again in the coming year for a total of \$7,000 in appreciation of the work they are doing for the District.

Pires clarified that under Florida law the ability to pay additional compensation must be provided for in the existing agreement, but it can be provided for in the coming year's budget, and amend the contracts to provide for that. For salaried employees, the personnel policy would have to reflect that change. The Chairman suggested that those changes in contracts and policies be made, along with a line item in the budget, which will then make it easier to award a bonus in the future if they wished to do so.

On a MOTION by Gordon Walker and a second by *** , Mr. Pires' was authorized to make the necessary changes to the contracts and policies, and a line item will be inserted into the budget reflecting the ability to award supplemental pay if desired. The Board passed this Motion unanimously.**

PUBLIC COMMENT

Steve Hagenbuckle from Escada at Tiburon advised the Board that he has replaced Mrs. Hall as the president of the Tiburon Master Association. The Board welcomed him and thanked him for attending the meeting, and indicated that they meet at Tiburon once a year. Mr.

Hagenbuckle expressed concern about areas of Tiburon that allowed access to the Community

Pelican Marsh CDD – Minutes

June 9, 2015

Page 7

outside of the gate. Mr. Vanover will make arrangements to take a look at these areas with Mr. Hagenbuckle.

Mr. Pires indicated that he will be out of town for the July Board meeting, and although Matt Flores from his office will be in attendance, Mr. Pires will be calling in.

ADJOURNMENT

With the agreement that the July meeting would be held on the 15th, the meeting was adjourned at 9:45 a.m.