

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
Wednesday, December 21, 2016**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, December 21, 2016 at 9:00 a.m. at the Pelican Marsh Foundation Building, Naples, Florida.

APPEARANCES:

Frank Garofalo, Chairman
Robert Smith, Vice-Chairman (Via Speakerphone)
Don Pomerantz, Treasurer
Gordon Walker
Jose Diaz

ALSO PRESENT:

W. Neil Dorrill, Dorrill Management Group
John Vanover, Operations Manager
Tony Pires, Board Counsel
James Calamari, Access Control

ROLL CALL

The meeting was called to order by Chairman Garofalo, who indicated that all Board members were present.

No comments were received from the public at this time.

APPROVAL OF AGENDA

Mr. Smith noted that two supervisors would be sworn in rather than one as noted in Item 3. Chairman Garofalo added Item 7A, Request from Jerry Carbone about CDD changing the lights in the Foundation parking area. **The Agenda was then approved on a MOTION by Robert Smith and a second by Gordon Walker.**

SWEARING IN OF NEW SUPERVISORS

Mr. Smith and Mr. Diaz were then sworn in as Supervisors of the Pelican Marsh CDD by Mr. Dorrill.

ELECTION OF OFFICERS

The Board briefly discussed whether this new term would be for one or two years, and Mr. Pires indicated that the Statute provides that it is automatic every two years.

Robert Smith then nominated Frank Garofalo to serve as Chairman and the nomination was seconded by Gordon Walker. There were no further nominations, and Frank Garofalo was unanimously approved to serve as Chairman for next two years.

Chairman Garofalo then nominated Robert Smith to serve as Vice-Chairman, and the nomination was seconded by Gordon Walker. There were no further nominations, and Robert Smith was unanimously approved to serve as Vice-Chairman for the next two years.

Chairman Garofalo then nominated Don Pomerantz to serve as Treasurer, and the nomination was seconded by Robert Smith. There were no further nominations, and Don Pomerantz was unanimously approved to serve as Treasurer for the next two years.

Robert Smith then nominated Mr. Dorrill as Assistant Secretary for purposes of the preparation of the minutes and other documents as necessary for the next two years.

Chairman Garofalo seconded the Motion, and with no further nominations, the Board unanimously approved Mr. Dorrill to serve as Assistant Secretary for the next two years.

APPROVAL OF MINUTES OF NOVEMBER 2016 REGULAR BOARD MEETING

On Page 2, the third line from the bottom, Mr. Dorrill clarified that Fund 13 is a debt service fund.

On Page 3, line 5, the word “employee” should be inserted before “positions”.

On Page 7 on the last line, “Mangers” should read “Managers”.

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Mr. Pomerantz asked Mr. Dorrill if he had found out what the \$3.98 returned from the bank was as noted on Page 3, at the end of the third paragraph. Mr. Dorrill noted that he did not.

On a MOTION by Gordon Walker and a second by Robert Smith, the November Minutes were then unanimously approved as amended.

After checking on the spelling of “benefited” on Page 3, Line 5, it was determined that the word is spelled with one “t”, and should also be corrected.

FINANCIALS

The revenue report showed that collections were off for December; however, the month was still not over, and Mr. Dorrill expected that some additional distributions would be received the following week as people rush to pay their taxes by year’s end. He expected that the amount would be close to \$1,000,000 by the end of the calendar year.

Mr. Smith noted that most of the discounts were taken in November as most of the people wanted to get the 4 percent, and Mr. Dorrill indicated that they were within \$800 of the prior year. Chairman Garofalo felt that this was an interesting point that the Board had not previously discussed, that even though December is shown it is only a partial for the month.

The balance sheet in the first month of the new fiscal year, for the end of October, showed at that point \$1,000,000 in cash, and total fixed assets of the District of \$28,000,000 against \$67,000 in liabilities.

The income statement at the end of one month showed the year-to-date expenses at \$92,000 under budget, but in November and December the financials will show the annual insurance premium payments along with some front loaded capital purchases. Overall at the end of the first month the total expenditures were \$350,000.

Chairman Garofalo pointed out that on Page 2, under liabilities on that balance sheet there is an item called Refundable Fence Deposits. He explained that there were some individuals who modified their fences to encroach on the CDD’s maintenance easement, with Board approval.

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The Chairman pointed out that this money was in the event of a future violation, and these residents provided \$1,000 deposits to cover the removal of the fence if necessary. The amount on the balance sheet is \$3,000, to cover the District's costs in a violation event for three individuals.

Further, the Chairman explained the last two items called "due to", stating that occasionally Mr. Dorrill will receive a large amount of money from the County that must be distributed to both the Operating and Infrastructure Funds. What that due to means is that money has to be moved to the other two funds. Mr. Dorrill further explained that the one check they receive from the tax collector is prorated into the primary funds that they have.

Mr. Pires added that this is why the District has the non disturbance and encroachment agreements that are recorded to provide safeguards and protections for the District, and Mr. Vanover will share that with Mr. Diaz. Chairman Garofalo added that this formal document is drawn up by Mr. Pires and paid for by the resident so there is complete understanding on both sides.

Mr. Smith pointed out similar items under revenue, and the Chairman explained that Mercato and the Naples Daily News are noted as paying user fees because the water from their parking lots flow into CDD ponds.

Mr. Vanover will sit down with Mr. Diaz and go over the financials with him and explain the line items to him, and answer any questions he has.

On Page 6 under roadway expenses, the street sweeping, the District has their own sweeping equipment now and this line item needs to be removed, and the \$186 is for equipment that was purchased by Mr. Vanover was miscoded. Mr. Vanover did send Mrs. Briant in Mr. Dorrill's office an email, and she had been busy with the auditors, but she is getting caught up and will remove this item. In the recap on Page 7, under Expenditures, the net of expenditures is high, but it will even out after the first couple of months.

Mr. Sparks asked about the sweeper, and Mr. Dorrill explained that the District has purchased

a machine that is not actually a sweeper, but a turbo device that can be towed and does a very effective job of cleaning the streets and can be used at any time.

On a MOTION by Robert Smith and a second by Don Pomerantz, the Financials were unanimously accepted by the Board.

MANAGER'S REPORT

A. Street Lights at Foundation Parking Lot

Chairman Garofalo indicated that Mr. Vanover had contacted him the previous day indicating that Mr. Carbone, who is a member of the Foundation Board, wanted to change the lights at the Foundation parking lot to LED lights. Mr. Vanover gave a brief history to the Board on this issue, indicating that the Foundation wanted more light in their parking lot, and originally wanted to purchase more poles and lamps similar to what the District has, and Mr. Vanover gave him the contacts for that. Apparently these lights are not made anymore. They are now going to purchase new posts and LED light, which will be about 20 units, and wondered if the CDD would remove the existing lights. He suggested that the posts and lights may be able to be used in a few dark areas within the community that he had received complaints about. They plan to begin this project in February.

The Chairman felt that a letter should be sent to Mr. Vanover from the Chairman of the Foundation or the general manager indicating what they want and when they want it, so the scope of the work is laid out. Additionally, the schedule for mowing the grass along the Ventura fence will have to be taken into account as well as the work the District does for itself. Chairman Garofalo asked Mr. Vanover to have the Foundation provide a schedule of when the work will be done, and ask them to schedule it on the alternate weeks when the District's work will not conflict with it.

The Chairman also noted that the street lights would not be needed by the District and would have to be put in storage, so the work they have asked the District to do will be a favor to them.

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He also wanted to make sure that it would not cost the District any money, such as having to hire the electrician to work more than the two days he usually is at the District. He asked Mr. Vanover to get these two items, scheduling and costs, in writing, and prepare a simple report for the Board for the next meeting.

Mr. Dorrill advised that there is no outside storage at the maintenance yard, and what little storage there is already is being used. Mr. Vanover clarified that there are only five poles that will be removed, not the entire 20, and Mr. Dorrill indicated that five won't be a problem. They will, however, develop some additional information on this and provide it to the Board. The Chairman did not want too much stored in that small area available, which he felt was spoken for at this point with fence panels and other items.

Mr. Smith felt that Foundation Board authorization should be included in the letter as well before the removal is done by the CDD. The Chairman reiterated that this could be included in the scope of work letter so there is no question in the future about the work that was done. Mr. Pires noted that he can prepare a simple bill of sale to cover everything, and Mr. Dorrill will have a full package with all requested information for the Board in January.

ATTORNEY'S REPORT

A. Information to Mr. Diaz

Other than confirming that Mr. Diaz has met with Mr. Dorrill to go over the financial disclosure and ethics law and the public records and Sunshine Laws' perspective, Mr. Pires only added that he is very conservative in his guidance and advice as it relates to the Sunshine Law, as this is a very sensitive issue. Mr. Pires asked Mr. Diaz to email or call him if he had any questions on those two points.

Mr. Robson was not present to give an Engineer's report to the Board.

SUPERVISORS' REQUESTS

A. Littoral Plant kill in Lake 5

Mr. Smith asked who had killed the littoral plants in Lake 5, and Mr. Vanover advised that the spraying was done by the Florida Lakes crew. He has taken pictures of the damage and is having his crew pull the dead plants out. This will be done quickly, and Mr. Vanover will speak to the technician from Florida Lakes to determine what happened. Mr. Smith expressed his concern that any of the bushes and greenery could be impacted in that area if they are not more careful with spraying, especially when it is windy.

B. Bike Signs at Gate

Mr. Walker asked if the bike signs that have been put up at the gates have been effective, and if people are actually doing what they were requested to do. Mr. Calamari indicated that they had received no positive or negative comments, which he feels is positive. His staff has not mentioned anything to him, and there have been no issues, and people understand that they can't go through the gates, but must go around to the pedestrian gate.

As it relates to bicycles, one of the things that did come up was bicyclists in Pelican Marsh are bound by the same statutes as motor vehicles, and the Sheriff has been pulling bicyclists over and giving them written warnings. The Sheriff has indicated that after the first of the year they will no longer give warnings, but will go straight to citations. The rules include stopping at stop signs and no riding bikes on the sidewalks, among many other items covered under the Statutes. Chairman Garofalo has asked Mr. Calamari to prepare a short synopsis for the residents that can be sent out on an email blast so everyone is aware of what laws must be followed while riding a bike, and that the Sheriff's Office has advised that they will be much more proactive in citing people.

A resident of Tiburon noted that when he comes to Pelican Marsh from Tiburon he has to go over a curbing, and Mr. Vanover will survey all the gates to determine if the Tiburon gate

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has the same configuration as those in Pelican Marsh with a trough that enables the biker to go off and on the sidewalk to get into Pelican Marsh. If not, a small ramp may have to be configured for them at the Tiburon gate.

Mr. Pires added that if the email being sent out links them to the Sheriff's Department Bicycle Safety, it is very specific and worth reading. Many bikers do not stop at stop signs or follow the other roadway laws, and this will advise them of their obligations.

Mr. Smith asked about outsiders coming in to bicycle at Pelican Marsh, and was advised that as the roads are public, they can use them, and are not obligated to show their license at the gate.

***Mr. (overtalk) asked about the golf carts that people drive in Pelican Marsh who also do not always follow the rules of the road, and Mr. Calamari agreed that this is a constant problem.

The facts are very simple, and that is that the road has the right of way, and the golf carts do not. Unfortunately some of the golf cart drivers think that they have the right of way, and do not even stop at the stop light. They have tried to educate these drivers as have the Golf Club personnel, with no success. Chairman Garofalo stated that golf carts were not legally allowed under Pelican Marsh rules, but if the driver is driving responsibly and has a driver's license, they will not be bothered by the Sheriff.

Mr. Calamari indicated that this was not correct, that golf carts are not allowed on the roadways at any time. There is only one golf cart in Pelican Marsh that is legal on the road, as the owner had headlights and taillights installed along with a license plate. Mr. Pires added that there is a very specific statute about how you qualify to be a golf cart community, and he advised the Board that they did not want to get into that.

The Chairman thought that the Sheriff did allow it as long as people were driving responsibly, and as this seems to be incorrect information, he felt that it needed to be clarified. Mr.

Calamari felt that the Sheriff will use discretion on how he handles the cart situation, but staff will clarify this and bring the information to the Board.

PUBLIC COMMENT

Mr. Pomerantz indicated that the turn across from Watercrest, just beyond Augusta at Bay Laurel and Pelican Marsh Boulevard is very dark and needs some light. Mr. Vanover indicated that he had received many complaints about that area, and that may be an advantage of removing the lights for the Foundation as they can be used in some of these dark spots.

Chairman Garofalo had a complaint from a resident that it was very dark where he turned into his community, and when the Chairman went and looked at the entire Pelican Marsh community he discovered that there are not any streetlights at any major intersections or any entrance to any community.

Mr. *** indicated that Watercrest has two lights, but it was determined that they are not CDD lights.

The Chairman felt that the entire community needed to be looked at if it was going to be done, as it would not be possible to do a couple and leave the rest of the residents without lights at their community entrances. Mr. Pires will have to check for any legal issues that may arise, and Mr. Pires added that the site improvement plan for the roadways would have to be amended if lights were going to be added to what is already in place, along with approval from the County. Additionally, the Chairman noted that power would probably have to be run to these lights, which may involve the removal of pavers at the entrances to the communities. This is not an easy project, and would take some careful investigation and consideration before the Board decided to move ahead with it. It will be a big program which will cost the District quite a bit of money, and many decisions will have to be made as to where street lights will be located, et cetera.

Gordon Walker had one comment with respect to Bay Laurel Boulevard, noting that on the west side of the road, coming from Pelican Marsh Boulevard, the bushes are encroaching on the sidewalk. He suggested that those bushes should be trimmed back to keep the sidewalk open. Chairman Garofalo indicated that there are sections there that have dual rows of shrubs,

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and he wondered if those extra shrubs should be pulled out. Mr. Vanover indicated that he would take a look at it and possibly pull those shorter shrubs along the sidewalk out to cut down on the yearly trimming.

Mr. Sparks advised Mr. Vanover that quite a bit of debris has been coming into Lake 8, between Grand Isle and Mercato. In this instance the debris is coming in on the north end of the lake, part of which looks like construction debris. Mr. Vanover thought that they were almost done building at Mercato, but he will take a drive over there and follow up with Mr. Sparks. The final phase was a single family home neighborhood, and that will be checked to make sure that the inlets and catch basins are all clean.

Jim Carver from Watercrest asked for a clarification on access control after the guards leave the gates on Airport and Vanderbilt at 10:00 p.m. They had guests arrive at 11:00 one evening and pushed the box, got to the front gate, identified themselves, and were told that all they have to do is push the button and they can get in. Mr. Carver was under the impression that the gate had to be opened from the front gate, so not just anyone can let themselves in, and he asked for clarification on this. Mr. Calamari indicated that if anybody came up and asked to be let in, it is a public road and they would be told to push the button to let themselves in. However, the guard will talk to whoever is at the gate to determine a few things. If requested, they must hold their driver's license up to the camera that is there, and if they are on someone's guest list then they do in fact get cleared through. The gate is controlled by access control, not by the driver. Mr. Calamari also advised that the individual who made that statement to Mr. Carver's guests quit his job, so this problem will not be repeated.

ADJOURNMENT

The next meeting was scheduled for January 18, 2017, and Mr. Dorrill must be at Duke University in North Carolina on the 16th, and he anticipates being home the following day. If necessary, Mr. Powers will be at the meeting and the agenda will have been reviewed.

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Chairman Garofalo indicated that he has a large packet of detailed information from First Florida Integrity Bank, and he does not need it. He does have the ledger and will keep that as he does use it. Mr. Powers will remove the extra information from his packet.

On a MOTION by Robert Smith and a second by Gordon Walker, the meeting was then adjourned at 9:48 a.m.