

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
Wednesday, February 15, 2017**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, February 15, 2017 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, Assistant Secretary
Joe Diaz, Assistant Secretary

ALSO PRESENT:

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

ROLL CALL

The meeting was called to order by Chairman Garofalo, who indicated that all Board members were present. He noted for those attending that the Public Comment at the beginning of the meeting was for people who wanted to address an item not included on the agenda. At the end of the meeting, all other public comment will be addressed.

Diane Powell, who had signed in to speak at this time, was advised that her topic was on the agenda and would be addressed during the meeting.

APPROVAL OF THE AGENDA

On a MOTION by Robert Smith and a second by Gordon Walker, the Agenda was then unanimously approved by the Board.

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APPROVAL OF JANUARY 18, 2017 BOARD MEETING MINUTES

On Page 2, the speaker under Public Comment was Brian Leiding.

Mr. Robson from Johnson Engineering indicated that Mr. Wadas was the engineer representative noted under Appearances and the Engineer's Report rather than Mr. Voss.

Additionally on Page 2, Line 6, the number should read 316.2065, adding a decimal point.

Also on that page, in the 5th line of the 2nd paragraph, the sentence should read: "a bike being ridden from dusk to dawn.." rather than "dawn to dusk".

On Page 4, in the 2nd line of the 2nd paragraph, "2016/1017" should read "2016/2017".

On Page 5, for clarification in the bottom paragraph, the sentence beginning "Their concern" should read "The concern of the Tiburon Golf Club".

On Page 6, in the 3rd paragraph, 2nd line, the sentence should read: "The license and use agreements that have been prepared by Mr. Pires for past events such as these will be used, and they would be subject to Mr. Pires providing such agreements in the Board's acceptable form, along with insurance and indemnification documents."

On Page 7, the last line should have the word "on" before "CDD property".

On Page 8, in the 3rd paragraph, the 6th line from the bottom, the sentence beginning "As the wished this agreement to in place" should read "As they wished this agreement to be in place".

On Page 9 in the first paragraph under Item C, the 4th line down should read "sometime during May" rather than "Mary".

On Page 11 under the Engineer's Report, Mr. Voss should be changed to Mr. Wadas. In the 2nd line, commas should be placed as follows: "...agronomy, if, in fact, ..."

In the last line of that paragraph, after the word "letter", the words "of Modification from South Florida Water Management District" should be added.

On Page 12, in the third line down, "registered resident" should read "registered tenant".

In the 2nd to last line of that paragraph, it was noted that they "are sold" a transponder as

opposed to being given a transponder.

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

FINANCIALS

Reporting on the end of the first quarter, Mr. Dorrill indicated that during the month of January there was an additional \$161,000 received in property tax assessments. During the first four months of the fiscal year the sum total received was \$3,023,634, which is almost 89 percent of the District's annual revenues.

The year over comparison showed the revenues were slightly below the prior year by only \$12,000.

The balance sheet showed cash being at one of the highest points of the year at \$3,300,000 against \$121,000 in payables at the end of December. The associated reserves for cash flow and contingency were depicted as well in accordance with the Board's fiscal policy.

The income statements for the end of the first quarter showed total operating expenses through that time period to be \$77,000 below budget, and total expenses were \$958,000 against a budget of \$1,035,000.

Access control showed that there were vacancies in that department that are not as significant as they were in the prior year. That line item was \$14,000 below budget in regular, full time equivalent salaries. The overtime budget, however, was slightly over budget, but the net difference is almost \$12,000 under budget. Of the \$77,000 under budget amount for the first quarter, \$12,000 of that amount was attributable to the vacant positions in the access control department, and staff continues to endeavor to fill those positions. In terms of staffing, however, the trend is better than it was the previous year.

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

MANAGER'S REPORT

Mr. Dorrill took an opportunity to welcome the Tiburon residents to the meeting of the Board, and for those who may be new to the area, he explained that the CDD was a government entity, and Florida is among four states in the large number of special purpose micro governments that they allow. In the State of Florida there are over 500 special districts. The Board members are elected public officials, who are voted into office at the same time the mayor and the governor are voted in.

The District operates according to the Sunshine Laws and meetings have to be advertised in advance in the newspaper, and all meetings are tape recorded. All the records are open, as Florida has a very liberal public records policy. Mr. Pires, District Counsel, and Mr. Dorrill, District Manager, work as staff under contract to the Board. There are full time employees of the District who maintain the common areas on the streets, and the lakes and drainage system are owned and operated by the District as well as the street lighting within the public areas of the community.

There is a civil engineer, David Robson, who acts as staff and Engineer of Record to the community, which is important in many instances, including one that is on today's agenda. Last month the Board briefly touched on the concerns of the residents of Tiburon about the visual disparity in the clearing of the landscape buffer that occurred along the east property line. Mr. Diaz did an excellent job explaining this to the Board, and he will provide a brief overview of the situation when it comes up on the agenda.

Once a year it has been the Board's practice to hold their public meeting at Tiburon, and he appreciated the excellent participation of Tiburon residents at the meeting. The meetings occur on the third Wednesday of every month, and are held at the Pelican Marsh Community Center. Mr. Dorrill encouraged everyone from Tiburon to attend those meetings as well.

A. Access Control Clarification

Mr. Dorrill provided a brief recap to those attending the meeting regarding the discussion held the previous month about people who live in the District but are not tenants. There are a wide variety of elderly parents, for example, who may live in a resident's home or guest apartment, but are not owners or tenants.

The Board wanted to recognize those situations, and offer them the same privilege if they have a vehicle that a resident would have, to buy a transponder. Staff has done a good job of preparing and clarifying this adjustment in the Policies. It will accommodate people who can show a valid photo ID with Pelican Marsh as their place of residence, who do not rent or own. Chairman Garofalo followed up on Mr. Dorrill's comments, noting that right now the Policy says if you are an owner or a registered tenant, you have the right to purchase a transponder. There are many people who lease their apartments without going through the process of registering their tenant, and there are also many people who have partners who are neither renters nor owners. With this change, they can buy a transponder if they have a driver's license showing Pelican Marsh as their legal address.

Mr. Walker noted that Item 10 in the Policy states that only the registered owners of record or properly registered tenants or any individual whose current legal address... and the next word should be changed from "in" to "is". Mr. Calamari indicated that the new version would have that correction.

On a MOTION by Robert Smith and a second by Don Pomerantz, the Board unanimously approved the change in the Access Control Policy.

B. Update on Spring Lake Bank Restoration

Mr. Vanover provided an overview of the spring lake bank renovation project, the affected communities, and the schedule. He indicated that once a year the CDD engages in repairing the lake banks throughout the community, usually starting in March. This year the affected

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communities are The Arbors, Sweet Bay, Terrabella, Timarron and Arielle. A town hall meeting with the contractor will be held, and a presentation given on the process on February 28th at 10:00 a.m. at the community center. The audience members have an opportunity at the end to ask questions, and the work is scheduled to begin in mid March and will last about eight weeks. Chairman Garofalo advised those present that approximately eight years ago he and Mr. Vanover visited every lake in the District and noted that the lakes in Tiburon are in much better shape than the lakes in Pelican Marsh, because they are a newer community. For that reason the Pelican Marsh lakes were prioritized for restoration first, but the Chairman wanted the Tiburon residents to know that their lakes will be done as well. Roughly four to six lakes are done every year.

Staff is using a system whereby they project out three or four years as far as prioritizing which lakes need to be restored first, and the list is reviewed every year to make sure that one lake is not deteriorating faster than was expected. In making the decisions on prioritizing, such things as the amount of dropoff from the lawn down to the water, and how close the erosion is to trees are considered.

The town hall meeting is held for those people living in the affected neighborhoods to show how the process will work. The Chairman added that Pelican Marsh is ahead of the curve, as the lakes in many communities in the area are in much worse shape than those in this District.

C. Ventura Fence Renovation Update

The agreement with Ventura provided that the neighborhood would install new sections of fence that will be conveyed and ultimately owned by the CDD. In advance of that, and because the CDD owns so much of the concrete, pre-stressed panel type fencing, the District has been out with its crews reclaiming sections of the fence that can be reused. The process is well underway, and should be completed by the scheduled time. Staff has done an excellent job of stacking these panels and storing them at the District's maintenance facility, where they will

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be available if and when they are needed. Mr. Vanover indicated that the CDD's portion of the demolition will be completed by the following Friday, and the contractor hired by Ventura started his work on the previous Monday. The installation of the new fence will take approximately four to five weeks.

Chairman Garofalo explained that in the '90s before Tiburon was developed, most of the developers of the communities in Pelican Marsh transferred ownership of the fences around those communities to the CDD, but a few did not. Now, 20 years later, some of those fences are falling apart and the communities that own them are anxious to transfer them to the CDD. The policy of the Pelican Marsh CDD is to only accept a fence that has been fixed by the neighborhood it belongs to, to an acceptable standard, which is what is happening with the Ventura fence under discussion.

D. Ritz Carlton License Agreement

This offsite parking agreement with the Ritz Carlton has been successfully completed, after the Board's authorization to take certain steps to accomplish this. An isolated issue occurred with a corporate attorney with Marriott who tried to make some demands, which were quickly handled by Mr. Pires. The issue was resolved and the local manager of the Ritz Carlton, who has been excellent to work with, was very pleased with the outcome.

Mr. Dorrill noted that Tiburon has become the home of America's most gracious charitable events, and since the January meeting Tiburon held a one day event which raised \$16,000,000. The following week the American Cancer Society had a huge event on Friday evening with an internationally recognized singer, and a great amount of money was raised during that event as well. Mr. Dorrill added that to the extent that the CDD Board played a very small role in allowing Ritz Carlton employees and volunteers to park off site and be bused to the hotel, as the hotel is in the midst of a large expansion of their parking area, it was well appreciated by Tiburon. Mr. Pires added that part of the transaction was that the Board authorized that

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activity, and the preparation to proceed based upon the Ritz Carlton paying the legal fees that were incurred. Mr. Pires will be generating a separate bill for them, and will forward it to Mr. Dorrill who will then transmit it to the Ritz Carlton for payment. Mr. Pires indicated that usually the District will pay him and then be reimbursed by the third party, and that usually happens simultaneously.

Chairman Garofalo indicated that the Board's policy on these types of fees is if the District generates legal action due to something for themselves or a resident, then the District pays the attorneys fees. If a third party wants something done, the Board will follow up on that as long as the third party pays the legal fees.

Mr. Smith indicated that the Board used to meet at the Ritz Carlton for the monthly meeting, and when it got too expensive, they decided to meet at the Foundation Building. But with all the concessions the Board is making for them, he felt that perhaps they should not have to pay any fees, and the concessions should be a two way street. Mr. Vanover indicated that the Tiburon Golf Club has been very gracious in letting them use their room once a year for this meeting, and Mr. Smith agreed. Mr. Dorrill indicated that they could evaluate that.

Mrs. Barb Johnson from Tiburon asked the Board about some rumors she had been hearing about the facility they were in, that the hotel and grounds may be sold to the Marriott. She wondered if the Board members had heard anything about that. Mr. Dorrill indicated that this was news to him, and added that the Board had a good relationship with the Tiburon Master HOA, and it was his impression that this facility was an amenity of the Master HOA.

Mr. Dorrill indicated that he would be happy to do some research for Mrs. Johnson on this rumor, and added that Mr. Diaz, who sits on the Board, represents the interests of the Tiburon residents. Mr. Dorrill will ask the Master HOA to affirm whether this was true or not, and will pass any information he gets on to Mr. Diaz,

Chairman Garofalo felt that this rumor would be a real stretch, because it would be combining a private entity with a residential facility, and they are separate. He added that the CDD Board

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does not normally get involved in these types of things, but Mr. Dorrill indicated that he would be glad to reach out to the Master HOA for information.

E. Tiburon Golf Course Issues

Mr. Dorrill advised those present that the Board was briefed on the over clearing of the east property line at the last meeting. Staff was tasked by the Board to do some research and some on-site visits. The Board was provided with a pictorial chronology of the history, and Mr. Dorrill indicated that it appears to the Board that the landscape berm that runs up the east property line is not on District property.

The District Board owns the entire FPL easement that runs from the east property line all the way to the road right-of-way of Livingston Road. It is a separate, platted parcel that is owned by the Pelican Marsh CDD. There is obviously a FPL utility easement that gives them certain rights, but the fee simple interest and the deed is held by Pelican March.

Short of the District spending \$3,000 to survey and stake the east property line, based on staff's review of the aerials, it appears to be on golf course property. However, within the development order for all of Pelican Marsh, which includes Tiburon, there is a provision which establishes a requirement to construct and maintain a landscape buffer up the east property line.

Mr. Diaz was asked if he had any other comments to make, and it was noted as well that several people had asked to speak for the community. Mr. Diaz indicated that he had nothing further to add, and that the Board and the residents of Tiburon know how he feels about this issue. Nancy Diaz from Castillo addressed the Board, and provided them with a list of residents of Tiburon who were unable to attend the meeting but did send their concerns via email. Mrs. Diaz asked that this list and email correspondence be made a part of today's meeting. Mr. Pires noted for the record that when a document is provided to the CDD, it becomes a public record, so all of the email addresses that are on there will be part of the public record.

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Mrs. Diaz indicated that the residents had been advised of this.

Diane ***Pell from Serafina spoke, advising the Board that she has been a resident of Tiburon for 11 years, and she and her husband live on the third green of Tiburon's golf course. When they selected their lot in October of 2005 there were 11 lots available, and they chose Lot 27 because of the view of the third green and the beautiful views behind it. At that time there were mature trees, shrubs and wildflowers, and the fence could not be seen due to the greenery. Over the past year and a half the views have changed drastically. Mrs. Pell provided photographs of what the view looked like when they chose the lot, and what it looks like now, with all the mature trees gone.

Mrs. Pell was home on June 8, 2015 when the maintenance crew climbed over the fence into the FPL right-of-way to remove trees, tree limbs and shrubs. She immediately contacted the director of golf course management, Herb Richmond, who told his crew to stop cutting the trees, shrubs and vegetation, and assured Mrs. Pell that they would monitor the greens and be sensitive to the homeowners' concerns. On June 12, 2015 Mrs. Pell sent photographs to the depleted landscape to Rick ***Greenville, the club manager, and asked him to respond to her regarding the landscape plan. On June 16 Mrs. Pell received Mr. Greenville's reply, indicating that management had taken steps to address shade and turf, but would be conservative around holes 2 and 3, and would be considerate of the residential properties. He added that he would discuss possibilities to improve the esthetics in these areas.

On June 24 of 2015 Mrs. Pell sent an email expressing her concerns to Paul Erhardt, the senior vice-president of Home Building and Development of WCI. Apparently Mr. Erhardt spoke to WCI, as within several hours Herb Richmond called her, assuring her once again that they would monitor the greens and be sensitive to retaining homeowners' views. She also received an email from Mr. Greenville stating what their plans were for planting along the berm and beautifying the area by early October of 2015, which were never implemented.

Golf course maintenance of trimming and hard cutting of trees continued until management

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decided to renovate the entire course in 2016. On July 22 of 2016 Mr. and Mrs. Pell returned from a brief vacation to find the landscaping completely devastated. At this point Mrs. Pell showed pictures to the Board of what had been done. Their view is now a brown fence, brown mulch, high voltage wires and concrete poles during the day, and bright lights from along Livingston Road at night. Loud traffic can be heard from 5:45 a.m. to 11:00 p.m., and the Pells can no longer enjoy their lanai, pool and spa.

Mrs. Pell noted that she and Mrs. Diaz are real estate professionals, and have listed properties in Tiburon. Over the past year, prospective buyers and realtors have indicated that they do not want to see east side Tiburon properties because the views are disappointing and the traffic is loud. There have been a total of 71 residences in Castillo and Serafina, both single family homes and condominiums, that have been negatively impacted by the loss of landscaping, which is the first element people look for, and in some cases can add up to 28 percent overall value. As stated by economist John Harris. Mature trees, shrubs and fencing are all important.

The trees, shrubs and some fencing have been demolished, and a number of residences are now visible from Livingston Road. In the past several months people have been seen walking throughout the neighborhood who are clearly not residents or invited workers. Mrs. Pell asked the Board to help them restore the landscaping, which the residents believe was wrongfully and perhaps illegally removed from the FPL right-of-way. It is their hope that the CDD and Host Marriott will work together to accomplish this.

The concerns were enumerated as follows: Safety, View, Screening of homes from high voltage wires, poles and streetlights, street traffic, air quality from trees and shrubs, drainage, as heavy rains cause ponding in the yards, and maintaining and increasing real estate values.

Barbara Johnson from Castillo felt that her concerns had been expressed by the previous speaker, and indicated that she has also called numerous people numerous times in an effort to get this issue addressed. She added another concern, that being the time the golf course maintenance begins, which can be anywhere from 5:15 to 5:30 a.m. when the ordinance states that they cannot begin before 7:00. With the removal of the trees, her view is a dusty area that blows dirt and grit onto her lanai.

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Mrs. Johnson did not know what legal rights the residents have, but was told that the County will come out and do a noise evaluation and decibel level rating on all equipment being used, and fine the golf course management. Mrs. Johnson has sent several emails, called several times, and everyone at the golf course is aware of these issues. At this point they no longer respond to her, and she has gotten quotes for \$15,000 to put up hurricane windows to cut down on the noise.

Mrs. ***also commented on this, noting that from her bedroom window she can hear traffic starting at 5:45 a.m., while before the buffer of the trees and shrubs completely blocked that noise.

Chairman Garofalo thanked these women for their presentation, and asked if any of them were involved with their HOAs, representing the residents, and Mrs. Pell indicated that she has lived in Tiburon a long time and knows many residents. She indicated that there are many people living in Tiburon that both she and Mrs. Diaz know as real estate professionals, and people have expressed their concerns about the thinning of trees and shrubbery throughout Tiburon. Mrs. Pell noted that she has golfed on over 50 courses, and they all are beautiful and have many trees.

Mr. Smith asked if Mrs. Pell's HOA was fighting this issue, and she indicated that they were not at this point, and that they had come to the CDD, hoping to be able to rely on them for help.

Mrs. *** indicated that the reason for the lack of response to calls and emails at this point is all of the people that they originally dealt with have been fired, and Troon Management has now taken over. At this point Troon will not return phone calls either.

Mrs. Diaz indicated that she, too, is dealing with Troon, and when the HOAs were approached, they indicated that the residents should approach the Club. They have done that, and prior to coming to the CDD Board they tried all avenues. Mrs. Diaz even contacted Collier County to see if they had any responsibility in this tree cutting, as no one would take responsibility for it and the residents were told that no one knew who did it.

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Scott *** from Castillo also spoke about the loss of the view and the noise factor, indicating that the trucks and cars are so loud that they cannot have a conversation on their lanai. The view is gone, and what is there now is a wasteland. He indicated that he came to today's meeting to see if the residents had any position at all. He is a golfer himself and understands their reasoning for light for the greens, but did not feel that it justified what they left the homeowners with.

Mr. Dorrill indicated that ultimately the District Board hopes to be a conduit towards a potential resolution. Dave Robson, from Johnson Engineering, is the engineer of record to the District, and Mr. Dorrill noted that Mr. Robson will discuss an exhibit and speak to them about ownership, what the Development Order requires, and what enforcement mechanisms are available to the residents in order to get this issue addressed and settled.

Mr. Robson gave an overview of the District, noting that when Pelican Marsh was conceived it was determined to be a development of regional impact, a DRI. In response to the Chairman's request, Mr. Robson explained that the area of Tiburon was part of the original Pelican Marsh PUD, and the DRI extends to the Marsala property on the other side. Using the exhibit to help explain, Mr. Robson indicated that the DRI encompasses all the way from 41 to Livingston Road, and that WCI recently added another parcel to the DRI.

The DRI is a guidance document that will be used for a PUD, or a planned urban development. That PUD covers what development can take place within that acreage. At the point that the individual neighborhoods are developed, a developer has to submit his plans for development to Collier County, who then reviews the PUD and the DRI as well as the County driven local development codes. Those three things force the arrangement of the development.

In section 2.11 of the Development of Regional Impact Statement it indicates that there will be a landscape buffer, and says that whenever a neighborhood is developed and gets platted, it must have this landscape buffer on the boundary of Pelican Marsh. Mr. Robson indicated that

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boundaries are fluid things, and he pointed out two strips of land on the exhibit, one being 235 feet and the other 275. That is over 500 feet from one side of the right-of-way for the road to what became the boundary for Pelican Marsh from a development standpoint. He pointed out the various lines that formed boundaries, and when Serafina was platted, a 20 foot landscape easement was created as the DRI called for.

Mr. Robson agreed with Mr. Dorrill that it would take about \$3,000 to stake the places where the tree trimming took place, and determine where the orange boundary line truly is. Mr. Robson noted that from his standpoint, it is pretty obvious that there is a berm and a fence and vegetation around it, and in all likelihood they sit within that 20 foot span, and in that respect, everything was done properly. The DRI does not get very specific, and just says trees, fences, and shrubs to describe landscaping. It is when a developer gets to the Collier County permit stage that those specifications from the County Code determine what that landscape buffer looks like. This area was platted in 2001, and the codes have changed since then. Mr. Robson felt that if the County would weigh in on what the vegetation requirements within that 20 foot landscape buffer is supposed to be along that boundary, that they will go back to the SDP, the Site Development Plan that was submitted when this area was developed. They will also go back to the DRI document, and evaluate whether the landscaping meets all of that criteria. Mr. Smith asked what property the CDD does own there, and Mr. Robson pointed out on the Exhibit the 235 wide piece of land owned by the CDD that FPL has an easement for. The golf course has the same FPL easement on their property side.

Tim ***Latchner from Castillo pointed to the affected area on the exhibit and asked who it was owned by. Mr. Robson indicated that it was owned by the golf course. To clarify, Mr. Latchner asked if the golf course as the owners had the right to clear it as they wished, and was advised by Mr. Robson that there is a 20 foot landscape buffer on the edge of their property and they have to meet the landscape guidelines.

Mr. Dorrill noted that the bottom line of the District is that the Development Order required

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a functioning landscape buffer along the east property line. Staff's opinion is that sections of it no longer function as a landscape buffer because of the over clearing and removal of the trees. There are two options for recourse, the first being having the District facilitate a meeting for the Tiburon residents with County Code Enforcement officials, as the County now has standards of what landscape buffers should be, and even though there is a pile of dirt with a wall on top of it, it doesn't function as a landscape buffer.

Mr. Dorrill indicated that there is also a process whereby a public petition can be initiated with the Board of County Commissioners, and with advance written notice, the residents can be heard. Mr. Dorrill suggested that in advance of that they talk to their county commissioner, who would then be forearmed about this situation.

Chairman Garofalo also pointed out on the Exhibit that on the east side of the fence there are four golf course wells, and his best guess was that there were roughly 20 to 25 feet off the fence. These wells, that should be on golf course property, are 20 feet east of the fence, which means between the fence and these wells is golf course property. The trees that have been cut down are within that 20 foot golf course property. If it were the District's property, they would have a lot of leverage on this matter, but now a different approach will have to be looked at in order to get some action on this.

Mr. Pires indicated that another resource to be mentioned is if a partial identification number is known or the name of the project, the County has a little website that is difficult to find, but shows site development plans, orders, site improvement plans and so on, which are the development approvals that the County issues to follow up on PUD requirements, Zoning Board requirements, or when someone wants to improve property. Several years ago the District went through this process to put up a fence around large portions of Pelican Marsh property, and it took a couple of years to get a Site Improvement Plan from the County to put up a fence. Mr. Pires went on to say that there are conditions in those site development plans and site

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improvement plans that cannot be altered or substantially changed unless an amendment is applied for. Again, this issue does not involve District property, but if the Board is inclined, Mr. Pires could spend a few minutes showing the Tiburon residents how to get to those sites, and then some information gathering can be done. This will be helpful if they decide to go to Code Enforcement, to be able to show them the original site development plan for the golf course which called for a certain type of vegetative buffer. This information would also help if the residents decided to go to the County Commission for a public petition process. Once you are on the agenda, the Commission will give you ten uninterrupted minutes to speak on any topic. The County Commissioner for this area is Andy Solis, and Mr. Pires suggested that the residents begin sending emails and making phone calls to tell him about their concerns. If the residents continue to feel that they are not getting any response from him, then they may want to go to the public petition process before the whole County Commission.

Chairman Garofalo asked if it would be more helpful if they could identify someone in Code Enforcement to come out and view the operation. Mr. Pires noted that Michael Ossorio was the head of Code Enforcement, and Mr. Pires will provide his contact information to the residents. The Chairman then asked if it would be better to have Code Enforcement come out and look at the situation before the residents go to the County Commission, and Mr. Pires then asked Mr. Robson if he had an opinion about whether the golf course complied with the buffer requirements. Mr. Robson noted that the DRI document was so vague that once he determined that this was not CDD property, he went no further so as not to spend CDD funds on this issue. Chairman Garofalo asked if the process for the homeowners should be to ask Code Enforcement to come look at the issue and get their opinion, as that would be very valuable.

Mr. Pires suggested that the first thing to do would be to identify the site development or site improvement plan for that area to see what is required to be provided. At that point if there is an indication that the buffer is not consistent with the STP or SIP, then that could be referred

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to Mike Ossorio. Mr. Pires once again indicated that he had no problem providing this website information to the Tiburon residents on a volunteer basis with no charge to the District.

Diane Powell asked if WCI had to state that a buffer would be maintained when they developed the area, and Mr. Robson indicated that everything the Development Impact document stated had to be followed, and the Serafina document states that a buffer must be provided down that line.

It was a little bit different with Castillo, which is a condominium association, and their plat has an overall legal description as opposed to individual lots which does not extend as far over as Serafina. Mr. Robson added that the berm extends out until it reaches a conservation area, where a landscape buffer cannot be built, and the berm ends.

In summary, Mr. Dorrill suggested that staff had done enough research to share the concern of the Tiburon residents, and Mr. Pires has indicated that he will provide some additional resource information for the residents to do some research. Mr. Dorrill indicated that he would be more than willing at no cost to come and address the Tiburon Master HOA, if he can get on the agenda, and make a presentation to them. Hopefully this will help the Tiburon residents in whatever decision they make, either code enforcement or a public petition.

Mr. Dorrill added that there is one additional item that was not discussed today, and that is that the golf course needs the help of the District for access to move heavy construction equipment as part of the reconstruction of one of the courses, as they cannot get this equipment over some of the timbered bridges that can only accommodate golf carts or small equipment.

The Board has in essence said that they would enter into a similar agreement that was had with the hotel on the condition that this matter is addressed to the satisfaction of the CDD Board.

If indeed they need access over District property for construction purposes for the reconstruction that is to start sometime in May or June, it will be an opportunity for them to work with the District in order to satisfy the concern that the Tiburon residents are advancing.

Mr. Dorrill reminded those present that the Board is not a regulatory or enforcement Board of

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County development orders, but they will offer their help where possible.

Chairman Garofalo asked if this effort should be headed up by the Castillo or Serafina Homeowners Board, or should it be done by the Tiburon HOA, because it involves more than one Board. Mr. Dorrill felt that should be left up to the affected Tiburon residents, but added that he would be happy to come and make a presentation to the Master Board if they wished him to.

Audrey ***Seiferda from Norman Estates lives on the black course, Hole Number 1 on the green. She was concerned that when the new construction begins if more of the same issues will have to be faced. At this point they can hear heavy traffic on Vanderbilt Beach Road because of all the trees that were taken down. She felt that the Tiburon HOA should lead this as it affects everyone in Tiburon.

Wayne *** Weible, a 17 year resident of Castillo, and a member of the Golf Committee, stated that he was part of the whole process of dealing with WCI and their deceit, and the misrepresentations that were made by them. He added that Troon Management so far has been cooperative and easy to deal with, and he suggested that before they do anything else, they might want him to talk to Kevin, the general manager at the golf course, and express to him that there are problems, and that there will be bigger problems if this issue is not addressed. This gentleman added that things were done that if Troon had been in charge, would not have been done, and he felt talking to Kevin would be worthwhile.

(Overtalk)

Chairman Garofalo indicated that the Board had touched base with the golf club previously, and they are aware of what is going on, and have some suggestions. It would be up to the residents to negotiate with them and tell them that they may be nice suggestions, but not nice enough. Mr. Latchner then stated that it was clear to him that the Board has given some advice to those present, but it is the responsibility of the residents to take it upon themselves as a community to exert some pressure, because if it had happened there as opposed to here, (indicating areas

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on the exhibit), it would have been a completely different story. Chairman Garofalo advised that the CDD Board wants to be involved, but that they have limitations because the area is not CDD property. As Mr. Dorrill indicated, the golf course wants some things from the Board, (overtalk) and the Board has indicated that they won't sign the paperwork authorizing them to use District property until they come up with a good plan to resolve the issue.

Mr. Pires added for clarification that the CDD is not a master association, but a special purpose unit of local government. Under their charter, which is Chapter 190 of the Florida Statutes, the CDD does not have any zoning or permitting authority. They do have the ability to act as a forum to hear all of these issues, and both he and Mr. Dorrill have indicated that they would volunteer their time to help in the ways that they are able to. Mr. Pires added that he has lived in Collier County since 1975 and always wants to help where he can, and if the Board had no conflict with him doing so, he would be happy to.

Chairman Garofalo felt that the golf club should advise the Board what they plan to do in writing to resolve this issue, and then it can be determined if it is adequate or not. That decision will rest with the Tiburon residents, but the Board will use whatever skills it has to get them to that point.

Tom ***Bodnar noted that 2822 and 2826 on Tiburon Boulevard at Castillo have seen their property lines change as the golf course has been developed, and he has watched the stakes moved further and further onto his property for the past few years. Vegetation removal is certainly an issue, but this topic was raised by Dave Richards in Unit 2822, and wondered if this would also be raised at this time as part of the golf course issues.

Chairman Garofalo indicated that what he is hearing is that this is not just a fence issue, and felt that the Tiburon HOA, or whoever will lead this, should coordinate all of the issues. Mr. Bodnar indicated that he has seen several emails from Mr. Richards to the golf course management people and others, and his concerns have gone unanswered. He wondered if the engineer

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could address this, and Mr. Robson noted that several years ago there were drainage easement issues that were dealt with by the developer, which was the last time they looked at the property lines. There is a legal description for that property, and Mr. Dorrill indicated that the District has a drainage easement that runs behind the property in question that conveys water into the lake.

Mr. Dorrill noted that to answer the big question, he felt the primary contact should be the Tiburon resident who sits on the CDD Board, and the staff has spent a good amount of time and resources in an attempt to assist the Tiburon residents in an attempt to find the path of least resistance to help them get this addressed. The Chairman has indicated that he will not give his approval to move construction equipment through CDD property until there is a resolution and final answer to this. Today, the best thing the Board can be is a resource and a political friend to help move this to the next level.

Mr. Smith asked who Mr. Pires was going to meet with, and was advised by Mr. Dorrill that Mr. Pires indicated that he would meet with Mrs. Diaz and Mrs. Powell to show them how to do some further research, and to coordinate with Mr. Diaz as the Board liaison.

Chairman Garofalo added for the record that because they are a government Board, and are subject to the Sunshine Laws, two or more members of this Board cannot be together discussing an issue outside of a Board meeting, which is why it would be best to have Mr. Diaz be the coordinator. Mr. Diaz can then discuss matters with staff and the other Board members at the meeting. Mr. Dorrill then asked those who would be working with himself and Mr. Pires to see them at the end of the meeting.

Mrs. Pell then noted for the record that she and Mrs. Diaz had met with Kevin *** and Jeff *** on several occasions, and she has all the dates when this happened. The last date was January 13, 2017, and before she and Mrs. Diaz left the meeting they asked who was responsible for the plantings on the east side of the fence, and Kevin responded that it was CDD property. Mrs.

Pell then indicated that today was very enlightening. Chairman Garofalo then reminded her that this statement was not true, as was demonstrated today, and he liked the idea of talking to golf course management, as those people have been advised by Mr. Dorrill as to what is going to happen if this issue is not addressed.

ATTORNEY'S REPORT

Mr. Pires had nothing further to report.

ENGINEER'S REPORT

A Water Use Permit

Mr. Robson reported that the water use permit at Pelican Marsh is a four party permit for the CDD and the three golf courses. They had been in WCI's name, and the Water Management District has indicated that as WCI is not a party anymore, the permit will be reissued to the parties involved. Keeping the District as a co-permittee is a benefit because if that water is turned off, the District will have stand-by capability for water from the golf course.

(Tape went off at this point.)