

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
Wednesday, October 17, 2018**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, October 17, 2018 at 9:00 a.m. at the Pelican Marsh Foundation Building.

APPEARANCES: Frank Garofalo, Chairman
Gordon Walker, Vice-Chairman
Joe Diaz, Assistant Secretary
Edward Walsh, Assistant Secretary

ALSO PRESENT: Neil Dorrill, Dorrill Management Group
Mallory Clancy, Johnson Engineering
Anthony Pires, Woodward, Pires and Lombardo
John Vanover, Operations Manager
James Calamari, Access Control

ROLL CALL

All members of the Board were in attendance.

PUBLIC COMMENT

Aboni Kokkinos addressed the Board as the property manager of Egrets Walk, and they wish to determine the viability of putting in a walking access point between Egrets Walk and Mercato. They wished to present their plans to the Board and see where it stood on this before they went any further with the idea.

Chairman Garofalo suggested that they put something in writing that they can give to the Board members to review beforehand, and he and Mr. Vanover will review it to see if there are any problems with it before it comes to the Board. The Chairman further suggested that a one page document indicating where they wished to put it, where the gate would go, and where the

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Mercato property starts. He also suggested that they approach Mercato first to see how they felt about it. The Mercato property on the other side is an HOA, and they suggested that Mr. Kokkinos approach the Pelican Marsh Board before they agreed to it. The Chairman indicated that if the Mercato HOA agrees to it, the CDD will approve it.

The Chairman also asked if this would be for Egrets Walk residents only, and Mr. Kokkinos indicated that outsiders would not have access as it would require a card to get through the gate and to get back in again. The area they are looking at is right at the end of the wall, at the 41 end. The Mercato Commercial Group advised Mr. Kokkinos that the concrete wall was the responsibility of the Mercato HOA and that he needed to speak with them.

The Chairman indicated that personally he had no problem with it, but added as a courtesy they should let Paul know about it so it can be discussed at his Board meeting.

After further discussion as to the location of the proposed gate, Mr. Pires indicated that he would like to see the actual proposal with graphics, and whether or not it implicates the District's fence easement and the Mercato and Pelican Marsh PUDs. Once those documents are provided, this issue can be addressed, hopefully at the next Board meeting.

Mr. Kokkinos will provide all of the requested information to Mr. Pires, Mr. Dorrill and Mr. Vanover, and this item will be on the agenda for the November meeting.

APPROVAL OF THE AGENDA

With the addition of Item 6E, License Agreement, the agenda was unanimously approved on a MOTION by Edward Walsh and a second by Gordon Walker.

APPROVAL OF THE SEPTEMBER MINUTES

On page 2, in the second line from the top, the word before First Integrity should be "is".

On Page 6, in the second to last line of Item D, the word "fertilizer" should be added before "...is carried into the water system".

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On Page 7, at the beginning of the third paragraph, the word “they” should be replaced with “the CDD” and “their” should be replaced with “its”.

On Page 8, under Five Year Asset Inventory, in the second paragraph a comma should be placed after the word “equipment”.

On Page 10, in the first line, the word after Mr. Vanover should be “is”.

With those additions and corrections, the Minutes were unanimously approved on a MOTION by Gordon Walker and a second by Edward Walsh.

FINANCIALS

Mr. Dorrill advised the Board that there were no significant changes in the status of FEMA reimbursements, and thus far \$138,000 has been received, which includes the \$77,000 from insurance. There are some other large sums that are pending, the largest being the fence projects at \$312,000.

Chairman Garofalo added that when the status indicates that it is “obligated”, that means that FEMA has approved it and has sent it to the State for their process of approval.

Mr. Walsh asked if there have been changes in the FEMA reimbursement status since the September meeting, and Mr. Vanover advised that he had checked the status of payment the previous Monday and found that three more applications had moved up one level. Ernst and Young at the State level had requested some materials which Mr. Vanover provided to them the previous day. The gentleman from Ernst and Young indicated to Mr. Vanover that everything looked good, and it is anticipated that a check in the amount of \$200,000 will be received within the next two weeks.

To clarify this further the Chairman advised that the second, fifth and sixth projects noted as pending are still pending at the Federal level, but they are moving up the ladder.

Mr. Tom ***Gessman from Osprey Pointe asked how much was initially requested, how much is now obligated, and how much has been received thus far. Chairman Garofalo advised that

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the total amount requested from FEMA was \$1,477,000. A small payment of roughly \$5,000 was received, and another partial payment for the perimeter fencing, and a payment for the stone fence. They have now received payment for the chain link fence for \$56,000. There is still an obligated amount of \$312,000, but the pending amount is \$950,000, still at the Federal level.

Mr. Walsh added that the short answer to this question is the request was for about \$1,500,000, and they have received \$140,000 thus far.

Mr. Pomerantz asked if it was fair to assume that nothing has been refused in any category, and Mr. Vanover advised that he has not received any indication of refusal. He added that some of the numbers of what was actually paid on the chart may not be received in full, and the Chairman indicated that their best guess is that they will be in the neighborhood of about 75 percent reimbursement. It was anticipated that the State would absorb 12.5 percent of the remaining amount, which they are not going to do, so the District will absorb about 25 percent. Mr. Dorrill indicated that the next schedule included in the packet was to track the District's out-of-pocket expenses for all categories, and at the end of August an additional \$12,700 was spent on the landscape restoration efforts for sod and plants. Mr. Dorrill did not expect there to be a lot of additional landscape costs.

Mr. Vanover indicated that there was still a bit of fence damage at the Vanderbilt entrance that needed to be considered, along with some extra sod and a few trees. He felt that those costs would be less than \$20,000.

Chairman Garofalo asked that the expenses for both September and October be shown at the next Board meeting,

The ad valorem assessment schedule was also included, and showed a comparison to the prior year. Year-to-date total receipts were \$3,300,000, which is within \$8,000 of the original budget forecast. Many people paid their taxes earlier this year in order to get the full discount, which came to roughly \$100,000 more that was paid earlier this year than in the prior year.

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The year-end summary showed \$30,000 in fees that was due to payments received from various banks for people's estimated taxes. The first real amount of money for non ad valorem taxes does not arrive until the week before Thanksgiving.

Chairman Garofalo asked Mr. Dorrill to go back to the sheet on hurricane expenses, where the second column showed insurance disbursements, he felt that it should be titled Insurance/FEMA as that has to be added together as income so the balance is not off. That second column will be updated to show both insurance and FEMA.

The 11th month balance sheet showed \$1,000,000 in cash, and the total fixed assets were shown to be \$26,700,000, for a total of \$27,700,000 in assets. Payables were noted to be \$62,000 at the end of August.

The income statement showed that the total non ad valorem assessments that came through in eleven months was \$3,300,000 against a budget of \$3,400,000. The difference takes into account the discounts that were alluded to previously. Both the Naples Daily News and Mercato third party transactions as it relates to their drainage facilities flowing through the District have been received. As a result of changing banks, the interest earnings are substantially more than what was budgeted at \$24,000 year-to-date against a projected amount of \$8,000.

Looking across all of the cost centers on the expense side, every one of them remains under budget. Total operating expenses were shown to be \$160,000 under budget, which reflects some lapses salaries. Five groundskeeper positions are open at this point as the labor market has been very difficult with all the work being done post Hurricane Irma.

Mr. Vanover was asked why the chemical budget was under budget as much as it was, and he indicated that by and large the whitefly is gone, and there was not much fall spraying due to the hurricane. Additionally, the labor for this is lower.

Chairman Garofalo highlighted the fact that contingency expenditures showed \$114,000 for the projected amount of non ad valorem discounts, and was an adjustment to income as people

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pay early. They did underestimate the discounts on early payments by \$8,000, however, as shown on Page 1.

On a MOTION by Edward Walsh and a second by Gordon Walker, the Financials were then unanimously accepted by the Board.

MANAGER'S REPORT

B. Notice of Rate Increase

As is usually the case, the County has advised of a rate increase after the budgets have been adopted by CDDs, but this proposed increase is only 2.7 percent for the purchase of irrigation water. The County is projecting, however, a rate increase of roughly 20 percent over the next three years, and Mr. Dorrill suggested that this should be sent out to the President's Council at Pelican Marsh to let them know what is coming.

C. Tiburon Fence Addition

Proposals have been received for some additional fencing at Tiburon that was budgeted at \$42,000. This capital project was requested by certain neighborhoods to secure their borders, including some aluminum decorative fencing at Bolero and about 1,500 linear feet of black chain link fence at Escada. The total price is approximately \$38,000.

Mr. Pires will be drawing up some easement agreements with the golf course after some sketches are created by Johnson Engineering and some aerials taken, which will cost \$2,500. That will leave roughly \$1,500 for attorney's fees.

Mr. Dorrill indicated that they are roughly \$5,000 under budget on the bids, and he asked the Board to authorize staff to pay this amount for the extra fencing, subject to the easement.

Chairman Garofalo noted that he and Mr. Vanover had walked this area, and this fence is to keep people from walking into one of the communities. He asked if they could get an aerial view of the area in question to see where the fence would go. Mr. Pires felt that a survey was

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necessary to have a good, clear grant of easement as to where the District's easement rights were. He suggested as well that sketches and a survey are preferable to an aerial which will diminish in quality once it goes into the record. Mr. Pires added that his fee will be much less than \$1,500 to do the necessary work.

Mr. Dorrill stated that this issue came about due to a burglary that occurred in the Escada neighborhood, which caused a great deal of concern in. It happened just prior to the annual meeting at Tiburon, and the Board committed to evaluating a fence and to work with the golf course to get the necessary easements so that there would be a public property interest in the place where the fence is scheduled to be installed.

The Chairman noted that two different easements will be required for the two different areas. Mr. Vanover has not approached Bolero on this issue, and he will double check with both of these neighborhoods before they move forward with any of this work. It was agreed that they could move forward with the Escada neighborhood work as there are two different contracts.

On a MOTION by Edward Walsh and a second by Joe Diaz the Board unanimously approved the expenditure of \$38,000 for the cost of the two projects, subject to an easement document and survey on them both.

D. FY 2019 Vehicle Purchase

New Ford F-150 pickup trucks will be purchased, and two nine-year-old vehicles are being replaced. These are budgeted, scheduled replacement trucks. The District is eligible to buy these trucks off of the State of Florida's fleet contract at a discount of \$4,000. They actually have been ordered, and should be delivered in December. The cost will be \$34,983, and the District will incur the costs of the additional steel dump bed, which brings the total cost to \$40,983.

The two old trucks will be sold at auction in the spring and Mr. Vanover felt that they could get about \$5,000 for them. They will be budgeted under Surplus Property Disposition.

E. License Agreement for Upcoming Shark Shootout

This item includes volunteer and employee parking at the intersection of Livingston Road and Vanderbilt Beach Road on the District's property. The area has been improved and stabilized with limestone rock for the past couple of years by the sponsors of the event. There are a series of insurance provisions associated with this.

The Boulevard will be closed and off duty Sheriff's deputies and maintenance of traffic is provided for the events. The first event is the LPGA year-end championship in mid-November, and a month later the nationally televised Shark Shootout will occur, and a 5-K charity event will occur on a Saturday morning during the Shootout itself.

This agreement has been in place for a couple of years, and is necessary from Mr. Dorrill's perspective. Mr. Pires handed out copies of the revised agreement that clarifies some of the provisions involving the insurance policies.

A brief discussion was held regarding who typed up the agreement once the changes were made, and Mr. Vanover explained that the one in the packet was pre-change, but the one they are going to sign today is post-change.

On a MOTION by Donald Pomerantz and a second by Edward Walsh, the Board unanimously approved the license agreement and authorized the Chairman to sign it with the revisions as handed out to the Board members.

A. Meeting Date Change in November

After a brief discussion about changing the date due to the Thanksgiving holiday, **on a MOTION by Donald Pomerantz and a second by Edward Walsh, the Board unanimously agreed to hold the meeting one week earlier, November 14, at the same time, 9:00 a.m.**

ATTORNEY’S REPORT

A. Stormwater Utility Issue

Apparently there is one commissioner who is holding out to continue with the Stormwater Utility fee, and Mr. Pires advised the Board to be alert and pay attention to what the County Commission is doing with this. If they do choose to go forward with it, it will probably have many changes in it.

Chairman Garofalo briefly explained the rationale of Mr. Pires’ argument to the Commission the previous month as to why the District should not have to pay this fee, as they built and maintain their own stormwater system which benefits other neighborhoods and the County as well. The County did defer their decision for a year at that time.

Mr. Pires added that substantial amounts of water is taken from other areas outside of the District boundaries into the District where it is treated and sent to the County canal and out to the Cocohatchee. Water is taken from Pine Ridge, Monterey, Vanderbilt Beach Road, and lately water from County roads. Those kinds of communities should be exempt from paying this Stormwater Utility fee, and if they have to pay anything, it should be a much small amount. Additionally the property owners in those communities would have to apply for a reduction and pay a fee.

ENGINEER’S REPORT

Mrs. Clancy will not be at the November meeting, but she will ask Mr. Robson to fill in for her. She added that she will work with Mr. Vanover as it relates to the survey work and documents.

SUPERVISORS’ REQUESTS

A. Notice from State Election Committee

Chairman Garofalo stated that probably everyone had received notice from the State’s Election Committee that a sworn affidavit must be submitted to them indicating that the Board

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members were sworn in, and to pay a \$10 fee. He asked if this was something new, and Mr. Dorrill indicated that three of the Board members had received an oath of office that will take effect two weeks following Election Day. This oath will be signed, and a small swearing in ceremony will be held. This will probably take place at the December meeting. Mr. Dorrill's office will coordinate this, and the three oaths of office will be sent to the Secretary of State. This is the first time this has been done, and these oaths have arrived early, probably because these Board members are unopposed.

B. Access to Pelican Marsh for Workers and Guests

Some of the GPS systems direct workers and other people to go through the Galleria gate to get into Pelican Marsh, and of course they cannot get in there. Mr. Walsh asked for the Board's reaction to putting a sign at the Galleria entry gate, directing them to the Vanderbilt Beach Entry as it is the easiest to get to. The Board agreed that this was a good idea, and Mr. Vanover added that many of the vendors will come into Pelican Marsh through the exit gate as they do not want to go back out into traffic to the Vanderbilt entrance. Sign ideas will be presented at the November meeting.

Mr. Desmond from Osprey Point asked if it was possible to advise Google Maps that the Galleria entrance is not the right one, and to direct them to Vanderbilt, and he was advised that they tried that and it did not work. Mr. Pires indicated that other CDDs have the same problems with entrances.

PUBLIC COMMENT

Tony Scire, the president of the Timarron HOA, indicated that they felt very lucky to have the CDD, the supervisors and staff, complementing the jobs they do for the residents, and the beauty of the District. He also noted how quickly Mr. Vanover responded to a concern Mr. Scire had over some broken concrete on a sidewalk, and that the issue was addressed

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immediately. He complimented Mr. Calamari as well, noting that the gate security is excellent and the guards are courteous and professional.

Chairman Garofalo thanked Mr. Scire for voicing his appreciation.

Mr. Desmond asked if there was an update on when the Boulevard trees were going to be trimmed, and Mr. Vanover indicated that the Sabal Palms are usually trimmed in January and February, but with the hurricane, the decision was made to skip a year of trimming, and they will all be done early in 2019.

ADJOURNMENT

Mr. Dorrill reminded the Board that their next meeting would be held on November 14th, and the meeting was then adjourned at 10:00 a.m. **on a MOTION by Joe Diaz and a second by Donald Pomerantz.**