

1 **PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT**  
2 **REGULAR BOARD OF SUPERVISORS MEETING**  
3 **FEBRUARY 20, 2019**  
4

5 The Board of Supervisors of the Pelican Marsh Community Development District met on  
6 Wednesday, February 20, 2019, at 9:00 a.m. at the Pelican Marsh Foundation Building.

7 **APPEARANCES:** Frank Garofalo, Chairman  
8 Gordon Walker, Vice-Chairman  
9 Don Pomerantz, Treasurer  
10 Joe Diaz, Assistant Secretary  
11 Edward Walsh, Assistant Secretary  
12 **ALSO PRESENT:** Neil Dorrill, Dorrill Management Group  
13 David Robson, Johnson Engineering  
14 Brent Burford, Johnson Engineering  
15 Tony Pires, Board Counsel  
16 John Vanover, Operations Manager  
17 James Calamari, Access Control

18 **ROLL CALL**

19 Chairman Garofalo opened the meeting, noting that all members were in attendance.  
20

21 **PUBLIC COMMENT**

22 Mr. Watters from Tiburon noted that Livingston runs along the east border of Tiburon, and has  
23 become a very busy, six lane roadway. The sound wall along Livingston only comes about  
24 halfway along where Tiburon is located, and then converts to a chain link fence. The noise  
25 levels are very high along the chain link fence, and he requested that the sound wall be  
26 extended another 200 yards, if the District had the jurisdiction to do so.

27 Chairman Garofalo advised that the wall was put in by the builder, adding that Pelican Marsh  
28 has the same situation. He and Mr. Vanover will look at it, but it was his recollection that  
29 because the property is low relative to Livingston, a six foot wall may not cut down on the

5 traffic noise. Mr. Watters advised that the berm brings the elevation up to the roadway, so the  
6 wall would take it high enough to block the road noise.

7 The Chairman stated that they would go look at the area, but added that walls are very  
8 expensive, and may destroy vegetation that has been planted there. In some other  
9 communities it was found that when a wall was put up there was an echo from sound bouncing  
10 off the wall, which made the situation worse.

11 It was the Chairman’s recollection that the berm belongs to the golf course, but the CDD has  
12 the responsibility to take care of the shrubs and plantings. The property is on the Livingston  
13 side of the berm, about six to eight feet lower. A wall on the berm would be on the golf course  
14 property, and Mr. Vanover indicated that on the other side of the berm it is CDD property,  
15 which they maintain.

16 Mr. Watters noted that since the hurricane, most of the shrubbery has been lost. Mr. Pires  
17 added that he would hesitate to have the Board characterize anything put in there as a sound  
18 barrier, but for purposes of access control or landscaping, that would be different under the  
19 statutory scheme. Otherwise, there may be a mistaken belief that it would be a sound barrier,  
20 which the DOT, the County and communities pay for. Chairman Garofalo felt that what the  
21 Board will probably do is a horticultural barrier.

22 Mr. Randall from Watercrest stated that as a matter of information there is a sound  
23 attenuation substance called acoustic fencing which costs about \$72 a lineal foot, and is  
24 supposed to deaden sound by 50 percent. There is a website that can be checked for  
25 information. It can be put on the cyclone fence, but it comes in different patterns and colors.  
26 The fence height would have to be checked to determine if it would make any difference in the  
27 sound.

28 Mrs. \*\*Geiger from Norman Estates stated that the money received by the CDD for the  
29 widening of Vanderbilt Beach Road adjacent to Norman Estates should have been used for a  
30 property buffer to mitigate the widening of this road in this area. While a berm is probably

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5 not possible in this space, a wall similar to the one at Wyndemere would probably be effective  
6 as a solution since they employ a taller wall without any berm or buffer. Vegetation consisting  
7 of trees and bushes does not have any impact on noise reduction when compared to a berm or  
8 a wall. She then read a few bullet points into the record.

9 The CDD received over \$150,000 for parcels 102, Tiburon Drive, and 103, from Tiburon Drive  
10 west along the Norman Estates community. The money was given to the CDD by the County to  
11 mitigate the noise when Vanderbilt Beach Road was widened.

12 Mr. Dorrill advised that the County condemned some additional right-of-way at the time they  
13 six laned the road, and Norman Estates may have benefitted from that. He added that this is  
14 interesting information.

15 Mrs. Geiger then noted that Vanderbilt Beach Road is several feet higher than \*\*\* Lane, and all  
16 CDD berms and walls are from the main road grades, and the wall at Norman Estates is below  
17 the Vanderbilt grade, rendering it useless beyond decoration.

18 Norman Estates is the only subdivision or association along Vanderbilt that has neither a berm  
19 nor a wall by the CDD. Ventura and Grand Isle both have it, and a few houses along Spanish  
20 Moss Trail and Egrets Landing bordering 41 have a berm and a wall. Arielle also has a berm and  
21 a wall along Airport Road. \*\*\* now has CDD fencing, and a golf course between Airport Road  
22 and the homes.

23 The CDD is maintaining a berm and a wall along Serafina, and that community has a much  
24 larger distance between the homes and Livingston Road, than the homes in Norman Estates,  
25 which are closer to Vanderbilt Beach Road than any other homes or condos along any other  
26 main roads. Chairman Garofalo asked this resident to remember that all of these walls were  
27 put up by the developer, and not by the CDD. Mrs. Geiger understood that, but they have used  
28 every method available to mitigate the noise in their home, to no avail. She asked the Board to  
29 please look at that area again, and the Chairman indicated that although they have looked at it  
30 various times, they will go back and re-examine the area. It is not a simple issue, and the berms

5 were put up by the builder, but this will no longer be done. Mr. Dorrill indicated that he is not  
6 opposed to having the District’s civil engineer take a look at it, and added that on property that  
7 they either own or have a property interest in, they can evaluate to see what can be done. The  
8 fencing the CDD has installed is chain link fencing.

9 Mr. Dorrill noted that the County is just beginning to replace destroyed fences with new  
10 generation concrete panel fences on Vanderbilt Beach Road right across from the CDD  
11 entrance. Staff will find out what they are paying per foot for it, and what if any acoustical  
12 benefits it has. Mrs. Geiger thanked them for their attention.

13

14 **APPROVAL OF THE AGENDA**

15 **On a MOTION by Mr. Walsh and a second by Mr. Walker, the agenda was unanimously**  
16 **approved by the Board.**

17

18 **APPROVAL OF JANUARY 2019 BOARD MEETING MINUTES**

19 On Page 2, line 15, and Page 3, Line 25, Mr. Pomerantz was not in attendance and did not make  
20 the motions, and on line 25 on Page 3, Murphy should be changed to Walsh.

21 On the first page, the representative present from Johnson Engineering was Brent Burford.

22 On Page 3, Line 12, Mr. Walker asked if the purchase of the patrol vehicles was budgeted and  
23 was advised that two flatbed trucks were budgeted. On Line 13, the word patrol will be taken  
24 out.

25 On Page 3 as well, Line 28, the word “In” should be “is” after the word CVS.

26 On Page 5, Line 25, the speaker is Gary Newman.

27 On Page 7, Line 8, the second to last word in that line should be “hold”.

28 On Line 11 on that same page, “advertized” should be “advertised”, and Line 15, the name,  
29 again, is Mr. Newman.

30 On line 22, the gentleman’s name is spelled “Scire”.

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5 On Page 8, line 5, the sentence should start with “A resident...”.

6 Also on Page 8, line 15, the starred name is Paternoster.

7 On Page 9, Line 12, the starred name is Brent Burford.

8 On Page 10, Line 6, the correct spelling of the starred name is Centex.

9 On Line 18 of that page, the starred name is Jim Carter.

10 On Line 23, the gentleman from Seville should be referred to as “a resident”.

11 **On a MOTION by Gordon Walker and a second by Don Pomerantz, the Minutes were then**  
12 **unanimously approved as amended.**

13

14 **FINANCIALS**

15 A management summary of the FEMA project reimbursement process was provided to the  
16 Board, and Mr. Dorrill advised that a roughly \$500,000 payment is imminent. It has been a long  
17 process, but through mid-February the District had spent almost \$1,500,000 responding to  
18 hurricane damage. \$368,000 has been received to date, and the rest of the projects are in  
19 Stage 2, which is the State level, and they remain hopeful that 80 percent of the money spent  
20 will be received. Chairman Garofalo added that there are eight projects at FEMA, four have  
21 been paid for and they are waiting for the remaining four. Two are at the Federal level and two  
22 are at the State level.

23 The revenue summary showed that during January \$250,000 was paid, most of which was  
24 received during the final days of December by residents in order to get a personal tax reduction  
25 for payment of their property taxes. Year-to-date revenues are right at \$3,100,000, which is  
26 almost 90 percent of budgeted revenues, net of the discounts that were taken by the tax  
27 collector. When compared to the year before, the District is \$48,000 to the good.

28 Irma related expenditures showed the sources and uses of funds, and tracked the outflow of  
29 money from both of the reserves. As funds are received from insurance or FEMA, they are  
30 going back into these funds to replenish them. Chairman Garofalo added that originally the

5 District had about \$1,300,000 in emergency fund money, and most of that was used for  
6 hurricane recovery. As payments come in they go back into the fund, and \$768,000 has been  
7 replenished so far.

8 Mr. Gorran from Watercrest noted that theoretically the maximum reimbursement would be  
9 roughly 80 percent, and the Chairman agreed that it would be 75 to 80 percent. Mr. Dorrill  
10 added that part of the managerial overhead was also eligible for reimbursement.

11 The balance sheet through the end of the first quarter showed almost \$3,800,000 in cash  
12 against \$67,000 in payables.

13 The income statement showed \$1,500,000 received by the end of December, and in addition  
14 \$2,300 was received in transponder revenues, and interest income during the month was  
15 \$5,500.

16 Looking at all of the cost centers on the expense side, Mr. Dorrill noted a few that should be  
17 mentioned. Salaries continue to reflect the vacancies that remain unfilled, and the market  
18 unemployment rate is at 2 percent, which is quite low. The \$1,000 signing bonus remains in  
19 place for a reliable groundskeeper. Mr. Vanover reported that while they lost two more  
20 employees, they then hired seven, so the bonus incentive worked. For the record, the  
21 Chairman clarified that the employee is paid \$500 up front, and the other half is received after  
22 six months. Access control remains understaffed, and Mr. Calamari indicated they are running  
23 advertisements.

24 Looking at all the cost centers for all the operating expenses through the first quarter, they are  
25 \$184,000 below budget, most of which is, again, driven by lapsed salaries and property  
26 appraiser fees that were \$50,000 less than budgeted.

27 Mr. Mintz suggested that a notice be put up at the VA center, as there are several retired men  
28 there who may be interested in that position, and he will be happy to talk to staff about it.

29 **On a MOTION by Don Pomerantz and a second by Edward Walsh, the financials were then**  
30 **unanimously accepted by the Board.**

5 **MANAGER’S REPORT**

6 A. Policies and Procedures, Pressure Washing

7 The rough draft of the proposed pressure washing policy was provided to the Board, as  
8 increasingly there have been requests for this work, especially at the entranceways. At some  
9 point they had discussed buying some professional grade equipment and doing the work in  
10 house. The Board is being asked to make a policy decision regarding how and under what  
11 circumstances staff would be involved. The rough draft indicates that the power washing will  
12 be done on an overtime basis for Pelican Marsh and Tiburon Boulevards during October,  
13 November and December as those are very busy months for staff.

14 The equipment will cost \$4,000 to \$5,000 and then the overtime costs will have to be factored  
15 in as well. This will be addressed at the next budget meeting, as it will probably not be needed  
16 during the summer.

17 Mr. Walsh asked staff to check the contractor costs for this work before spending money on the  
18 equipment and overtime. Another look will be taken at an outside contractor to do the work,  
19 and the Board will be kept advised.

20 **On a MOTION Edward Walsh and a second by Don Pomerantz, the Board unanimously**  
21 **approved the wording of the pressure washing Policy and Procedures.**

22  
23 B. Revision to Transponder Policy

24 This relates to the Board’s direction the previous month to make a similar accommodation to  
25 commercial property owners as are extended to residential property owners. There has been a  
26 request from a commercial owner in the Galleria, and as long as they pay their District  
27 assessment they are entitled to a transponder.

28 Mr. Walsh discussed the issue of allowing certain renters to be afforded the same treatment,  
29 such as the orthodontist in the Galleria. This policy would exclude anyone but owners. The  
30 Chairman indicated that they do allow residential renters in Tiburon and Pelican Marsh to

5 buy a transponder. Because of complications that could occur, renters in the commercial area  
6 are not afforded the same privilege. The only change in the transponder policy is now they are  
7 allowing commercial owners the same status as residents.

8 The Chairman felt that the inability of renters to have a transponder was a missing link, and the  
9 Board may want to discuss that further. Mr. Pires stated that another aspect from the  
10 commercial property standpoint is many times a commercial property can be owned by entities  
11 that have shareholders or multiple owners, in the case of an LLC. He did feel that the Board  
12 had a basis to limit the rule.

13 Chairman Garofalo noted that they have many, many residents who have two or more  
14 transponders because they have two or more vehicles. After further discussion on this issue,  
15 The Chairman indicated that Tiburon residents do not live in Pelican Marsh, but they are  
16 allowed to buy a transponder and drive through Pelican Marsh to get to Tiburon. Mr. Calamari  
17 reminded the Board that they had made the decision several years ago that a transponder  
18 purchased by a Tiburon renter does not work at the Pelican Marsh gates.

19 The Chairman felt that this information from Mr. Calamari should be included in the policy, that  
20 the transponder for Tiburon renters will only work at the private Tiburon gate. Commercial  
21 renters, since they have no immediate need for access to Pelican Marsh, do not have the right  
22 to buy a transponder. This issue will continue to come up if it is not addressed.

23 Doug \*\*\*Albright from Osprey Point stated that there is a managing company renting in that  
24 building, and asked if they would be eligible for a transponder. He was advised that this was  
25 the debate they were presently having.

26 Mr. Mintz suggested that Mr. Dorrill take this issue back to staff for further discussion, but the  
27 Chairman indicated that this has been done, and the issue now is renters at the Galleria being  
28 able to buy a transponder. **Edward Walsh then made a MOTION that commercial owners be  
29 limited to two transponders for the vehicles they own, and that the lease signer be given the  
30 right to purchase one transponder. Gordon Walker seconded the Motion.**



5 Mr. Albright then asked if the managers at the managing company had the right to a  
6 transponder, and the Chairman reminded him that the managers do not pay CDD assessments.  
7 Mr. Albright then asked if the transponder went through the owner to the manager, and Mr.  
8 Pires indicated that the Motion indicated that the owner of the property can have up to two  
9 transponders, and each tenant of that owner can have one.

10 If one building had 20 units and 20 tenants and one owner there were be a maximum of 22  
11 transponders for that property.

12 Mr. Calamari noted that the number of cars owned comes into play, and if an owner had four  
13 vehicles registered to him, he would be entitled to four transponders if he owned two  
14 properties.

15 The Chairman then clarified the Motion to indicate that the number of transponders to owners  
16 would be limited to two transponders of the vehicles they own, and the renters would have one  
17 transponder of the vehicles they own.

18 (General overtalk.)

19 The Board agreed that if necessary, they can revise the policy once again, and **the Motion then**  
20 **passed unanimously.**

21 Mr. Pires indicated that he will work with the Chairman, Mr. Dorrill, Mr. Calamari and Mr.  
22 Vanover and clean up this policy and make the changes the Board approved. This will be  
23 included in the next agenda package to make sure that these are the changes that were agreed  
24 upon.

25

26 C. Update on Lakebank Restoration

27 The preconstruction conference was recently held with the affected neighborhood presidents  
28 where lake bank restoration will be taking place later this spring. Troon Lakes, Arielle and  
29 Seville will be worked on. Bill Anderson with ASR Erosion Control came and gave a  
30 presentation, and roughly ten residents were in attendance. The work will start at the

4  
5 beginning of March.

6  
7 D. 2019 Surplus Property Auction

8 Mr. Dorrill asked the Board to declare the property that is scheduled to go to auction as surplus  
9 property. **A MOTION was made by Gordon Walker and seconded by Don Pomerantz to**  
10 **declare the scheduled property as surplus.**

11 A resident then asked by what authority the District was declaring that property as surplus, and  
12 Mr. Pires indicated that the Florida Legislature has established a process for governmental  
13 bodies, including CDDs, for disposing of certain surplus CDD property. He believed it was  
14 Chapter 274, which outlines the process, which is what they are following.

15 **The Motion then passed unanimously.**

16

17 **ATTORNEY'S REPORT**

18 A. ADA Website

19 Mr. Pires handed out an article printed in the Wall Street Journal for informational purposes  
20 regarding the ADA lawsuits that are ongoing throughout the country to bring websites into  
21 compliance for the blind. The Pelican Marsh District is presently engaged in remediation efforts  
22 on their website, and Mr. Dorrill will bring the information to the Board for a determination of  
23 what the Board would like to have on the website beyond the required items.

24

25 B. Montclair – Lake 25

26 Mr. Pires has had some communications with Mr. Adamczyk, counsel for Montclair, regarding  
27 the transactional documents needed for Centex to deed this lake to the District. Mr. Pires  
28 hopes to have received these documents by the next Board meeting

29

30 C. Collier County Stormwater Utility

31 The following Tuesday the Commission will begin the process if they do ultimately decide to

5 go forward with the Stormwater Utility Assessment beginning October 1, 2019. The  
6 Productivity Committee was tasked by the County Commission to look at this issue and make  
7 recommendations for funding sources for the operation and maintenance component and the  
8 capital component of the County’s stormwater management system. The Productivity  
9 Committee held a number of meetings, and ultimately voted to make a recommendation that  
10 for the 2019/2020 fiscal year the Board of County Commissioners reinstate what they had  
11 discussed in the past, which was to take 0.15 mil dedicated to stormwater management  
12 purposes, and see how much money is collected for that year. If it is not enough, then perhaps  
13 they could look into electric franchise fees.

14 The Productivity Committee estimated that based on the current property values in  
15 unincorporated areas of Collier County, the County could realize, on a 0.15 mil basis, from eight  
16 to twelve million dollars.  
17 Once Mr. Pires has the final report from the Productivity Committee he will provide copies of it  
18 to the Board.

19  
20 **ENGINEER’S REPORT**

21 Mr. Burford had nothing to report to the Board.  
22 Chairman Garofalo asked him to check with Mr. Vanover and set up a time to go to the  
23 Livingston Road berm area and let him know when they will meet.

24  
25 **SUPERVISORS’ REQUESTS**

26 **A. Federal Holidays**

27 The Board was provided with a list of Federal holidays, and the Chairman advised them that the  
28 CDD pays their employees for all Federal holidays except Presidents Day, which was left out of  
29 the human relations package. Chairman Garofalo proposed that they add that to the list of paid  
30 holidays. For the access control people who have to come to work, they would be paid for

5 an extra day, and they would lose one day’s work from the landscaping crew, but the Chairman  
6 felt that they should get paid for this day as well.

7 **On a MOTION by Joe Diaz and a second by Gordon Walker, the Board unanimously approved**  
8 **adding Presidents Day to the list of paid holidays.**

9

10 **PUBLIC COMMENT**

11 Tony Scire from Timarron recognized what the Board does, because as a member of the  
12 Presidents Council he was sure that not all of them get the opportunity to come to the Board  
13 meetings and see what the members of the Board do for the community.

14 Mr. Scire complimented Mr. Dorrill and Mr. Pires for their work, and the Chairman for the way  
15 he runs the meetings. He also noted that even with a smaller group of men, Mr. Vanover has  
16 kept Pelican Marsh looking beautiful, and many positive comments are received from the  
17 members of Mr. Scire’s community. He also noted that Mr. Calamari is respectful and helpful,  
18 and that is appreciated. He added that Sandy Mintz goes out of his way to keep everyone on  
19 the Presidents Council informed and aware of what the Board and staff are doing.

20 Chairman Garofalo indicated that Mr. Vanover is in the very last phase of hurricane recovery,  
21 which is trimming 2,000 Sabal Palms, and will work all through March to get that done.

22

23 **ADJOURNMENT**

24 With a reminder that the next meeting would be held on March 20 at Tiburon in the community  
25 room over the fitness center, **the meeting was adjourned at 10:15 a.m. on a MOTION and a**  
26 **second.**