

1 **PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**

3 Regular Meeting of the Board of Supervisors
4 November 15, 2023

5 The regular meeting of the Pelican Marsh Community Development District Board of
6 Supervisors was held on Wednesday, November 15, 2023, at 9:00 a.m. at the Pelican
7 Marsh Community Center, Naples, Florida.

8 **SUPERVISORS PRESENT**

9 Edward Walsh, Chairman

10 Tim Jackoboice, Vice Chairman

11 John Minty, Treasurer

12 Robert Giannetti, Supervisor

13 Dean Sieperda, Supervisor

14 **ALSO PRESENT**

15 Neil Dorrill, Manager, Dorrill Management Group

16 Christopher Dorrill, Field Manager

17 John Vanover, Operations Manager

18 Tony Pires, District Counsel

19 John Hammel, Access Control

20 **ROLL CALL/APPROVAL OF AGENDA**

21 All supervisors were present at the meeting establishing a quorum.

22 Mr. Walsh added an item to be called 5a. Update on Vanderbilt Beach Rd Gatehouse.

23 **The agenda was approved as amended on a MOTION by Mr. Minty with a second**
24 **by Mr. Giannetti with all in favor.**

1 **PUBLIC COMMENT**

2 Public comments received later in the meeting.

3 **APPROVAL OF MINUTES OCTOBER 2023**

4 Page 1 line 20 Brent's last name should be spelled Burford

5 The first public comment was from Mr. Guiot from Terrabella

6 Page 2 line 10 Mr. Guiot should be added

7 Page 2 line 17 commissioner changed to commission

8 Page 2 line 26 Jerry should be changed to Jared

9 Page 2 line 30 Sweetgrass Way should be capitalized

10 Page 3 line 7 should be changed to Westinghouse Communities

11 Page 6 lines 2 and 3 the street names should be capitalized

12 **On a MOTION by Mr. Sieperda and a second by Mr. Jackoboice the October**
13 **minutes were unanimously approved as amended.**

14 **FINANCIALS**

15 The preliminary, unaudited year end financials as of the end of September were
16 presented. The District finished the year with \$1.38 million in cash, \$360,000 in the
17 general operating account and \$1.20 million in capital reserves. There were \$83,000 in
18 payables. The auditor is engaged, and field work is scheduled to begin next month to
19 produce the final, audited numbers. Final year end ad valorem assessment revenue
20 was \$4,272,000 against an original forecast of \$450 more. There was around \$135,000
21 in interest earnings for the year with an original forecast of only \$12,000. \$120,000 over
22 budget in interest revenue because of a higher than anticipated interest rate. The
23 District was over budget on the expense side by about the same amount the revenue
24 side was over budget. This is largely due to the rate increase of irrigation water
25 purchased from the County and because year to date rainfall has been more than 20
26 inches below average. It is also because of higher than originally forecast gasoline and
27 electric prices in addition to salary increases to staff. Overall the expense side was
28 about \$165,000 over budget. A budget amendment with be presented at the time the
29 audit is presented.

1 **The financials were accepted on a MOTION by Mr. Jackoboice and a second by**
2 **Mr. Giannetti.**

3 **MANAGER'S REPORT**

4 **A. Vanderbilt Gatehouse**

5 This gate is not open because on November 3rd the North Collier Fire District came out
6 to do their final inspection and failed because they wanted to see a separate permit for
7 the low voltage wiring that was shown on the plan but was clearly marked to be
8 performed by others. Mr. Dorrill found out about it the following Monday and has called
9 officials in the County Government and believes that he has gotten the situation
10 resolved. The low voltage wiring powers the security cameras, the loops that make the
11 gate arms open and close, and some other aspects of the security system. That work
12 was done by the vendor and in this case, they want the permit amended in order to get
13 a final inspection. They did not find any deficiencies; the Fire District comes out
14 primarily to make sure the gate arm devices have an EVAC chip in them so that first
15 responders can open the gate. Final plans were made yesterday, the final conditional
16 approval and CO are imminent. It could occur as early as tomorrow, if not it sounds like
17 it will be the week before Thanksgiving. Mr. Walsh shared his disappointment with the
18 process of this gate having not met a single timeline, taking eight months to construct
19 and still not being open. Mr. Dorrill explained that the gate was complete in September,
20 but FPL did not install the panel or meter and then subsequently a year into the project
21 told them they're going to trade out the transformer down the block. This all happened
22 subsequent to the request to turn on power to the building. There was a two month
23 delay attributable to FPL. The Airport Gatehouse revisions will be, hopefully, presented
24 at the December meeting.

25 **B. Water Management Contract Renewal, Solitude**

26 Part of typical first quarter annual renewals. This is the company that maintains all of the
27 lakes and water management facilities here. Their price came down this year.

28 **On a MOTION by Mr. Gianneti with a second by Mr. Sieperda the Chairman was**
29 **unanimously authorized to execute the contract after adding E-Verify language as**
30 **required.**

31 This is the same contractor as usual, American Shoreline Restoration. The lakes being
32 worked on this year determined as part of a survey that occurred in the Spring. Some of
33 the lakes are in Tiburon. In the beginning of this work the focus was on the residential

1 lakes and now more work is going to be done with non-residential ones. The total is
2 \$161,490 in accordance with budget. Will have a preconstruction conference, as
3 always, with neighborhoods adjacent to where the work is being completed.

4 **The Lake Bank Restoration contract with American Shoreline Restoration was**
5 **unanimously approved on a MOTION by Mr. Minty and a second by Mr. Giannetti.**

6 **C. Hardscape Bid Award**

7 Solicited bids from design build firm that is working on the gatehouses and a separate
8 firm. There is a significant difference between the two, \$302,000 and \$151,000. One of
9 the things that makes this work so expensive is the custom made keystone concrete
10 features like the caps and sides. One of the things that Mr. Dorrill wants to evaluate in
11 order to save cost is keeping the existing caps that are on top of the masonry wall signs
12 and paint them instead of replacing them. Mr. Dorrill wants to keep evaluating the bids
13 before accepting one.

14 Mr. Dorrill clarified that there has never been a backlit sign at Vanderbilt, it has always
15 been landscape, up-lighting. The sign is solid concrete with no wiring or conduit within
16 the sign to pull wires to do backlit signage. It is intended to be the same type of lighting
17 that currently exists. Mr. Dorrill is continuing this item for one month and will have a
18 revised base bid and an add alternate if it looks like they can keep the existing concrete
19 caps on the signs and clean them and paint them instead of replacing them. Mr. Walsh
20 requested Mr. Minty be involved with speaking with the construction company regarding
21 the design. Mr. Pires suggested pinning down a timeframe and schedule, along with a
22 review and approval process, not mentioned in the current bid. He also asked for clarity,
23 a dollar number, from the company on what they mean by a "good faith retainer." Mr.
24 Dorrill will also mention to the company that if there is a requirement to obtain a permit
25 to rebuild the signs it will be their responsibility, not the District's.

26 **ATTORNEY'S REPORT**

27 Mr. Pires had nothing further to report at this time.

28 **ENGINEER'S REPORT**

29 Mr. Burford was not in attendance.

1 **SUPERVISOR'S REQUEST**

2 **A. Final Workplan FY 2024**

3 The proposed timetable was made for the approved work plan from the last meeting by
4 Mr. Vanover. Zoom will be tested for meetings in January. One of the items on the
5 workplan is a traffic flow test at corner of Bay Laurel and Pelican Marsh Blvd. Mr. Walsh
6 said it does not make sense to carry that out this year if the Airport gate is closed. He
7 proposed delaying it until next fall, once Airport is open. Mr. Vanover agreed.

8 **The fiscal year 2024 workplan was unanimously approved on a MOTION by Mr.**
9 **Sieperda with a second by Mr. Giannetti.**

10 **PUBLIC COMMENT**

11 Jefferey Wenger - Persimmon Drive - Chairman of Pelican Marsh Legal Committee.
12 Responsible for holding CDD accountable for their actions. Accused the Board of being
13 in egregious conflict with the Florida Sunshine Law because the current meeting is
14 taking place only days before the Airport gate closure is taking effect. Said the Board
15 ignored and has not responded to petitions or requests for comment from the residents
16 regarding the gate. Mr. Wenger handed a piece of paper to each Board member telling
17 them they have been served a cease and desist. He read the letter which stated that the
18 gate should not be closed until the architect submits the new design and it is approved
19 by residents via a survey through the newsletter and website. The letter continued to
20 state that failure to cancel the closure and demolition will result in class action litigation
21 directed against the Board members personally as it would be counterproductive to
22 seek damages against the CDD and that Mr. Pires is not allowed to represent them.
23 The class action case would seek at minimum \$100 for all 3,000 residents for every day
24 the gate is closed. Mr. Pires clarified that what was given was a cease and desist letter.
25 The District insurance carrier is going to be notified because there is a certain amount of
26 coverage for the Supervisors and will address it if and when this is filed. Mr. Pires stated
27 for the record that the minutes and agenda packets for past Board meetings indicated
28 the anticipated scheduling and staging of this particular overall guardhouse project.

29 Mario Pieroni - Clermont Dr - Asked if the gate at Airport Pulling Rd was going to close.
30 Mr. Walsh said the plan was for it to be closed on the 16th but it looks like it is going to
31 be delayed. Airport will not be closed until Vanderbilt is open.

1 Beth DeFrank - Clermont Dr - Asked if the legal committee is part of the Board. It was
2 clarified that it is a group of independent residents that formed the group, no association
3 with the Board.

4 Richard Benson - Portofino - Heard discussion about 41 FEMA issue regarding
5 elevation. Mr. Dorrill said that since the U.S. 41 gate was originally built, the FEMA flood
6 maps have changed and it is now in a flood zone. The height of the finished floor
7 elevation is being raised 14 or 18 inches. Mr. Dorrill offered to get the exact number for
8 him after the meeting. All of that was contemplated as part of the sitework for the U.S.
9 41 entrance. Mr. Benson asked if that would have to get done if it was just remodeled
10 as is and what is the cost of that. The original roofs are on those structures and the
11 roofs need to be replaced in addition to substantial interior renovations that need to be
12 done including mill work and the bathrooms. Mr. Dorrill thinks they would quickly find
13 themselves at a cost where they could not get a permit simply to fix it up. Mr. Dorrill
14 does not know what the code requirements are for that. Mr. Benson would like these
15 costs to be explored and presented as an option.

16 Luccia Zampella - Tiburon - Requested the date on the sign indicating the closure of the
17 Airport gate to be masked until the Vanderbilt gate reopens and the official date of
18 closure is known.

19 Diane McFadden - Mont Claire - Asked if they will see the revised monument renderings
20 when the new renderings for the gatehouse are presented. Mr. Walsh shared that they
21 have been shown at previous meetings and they can be put back up in the gatehouse
22 or community center. He said they have been discussed for the last year or so.
23 Unidentified audience members shouted out for them to be put on the website.

24 Steve Burke - Muirfield – Mr. Burke said it would be helpful if the Foundation could get
25 digital renderings that they could put on their website. Mr. Walsh agreed.

26 Jim Carter - Watercress - Requested to wait until January to close Airport instead of
27 trying to do some of the gate work between Thanksgiving and New Year's, allowing the
28 three gates to be open for the holidays. Mr. Walsh said that sounds like a good idea, but
29 the problem is that Vanderbilt would have to stay closed. Mr. Vanover explained they do
30 not have the staff to man all three gates as this is a year and a half project and only
31 have the staff to run two gates. Mr. Dorrill shared that the project contemplated that
32 gates would only be closed during one season. In order to complete the work on all
33 three gates, it is inevitable to have a gate closed on Thanksgiving given the schedule of
34 the different projects. The reason they have planned a reduction in staff is because they

1 knew that one of the gates would be closed for the year so there was no incentive to be
2 fully staffed with nothing for the employees to do. Delays attributed to Fire District and
3 FPL. Explored temporarily contracting staff but permit issue will be resolved and the
4 Vanderbilt gate will be open. The project was always anticipated to have one of the
5 gates closed during the course of the holidays. For this particular holiday, the Airport
6 gate was chosen because the residents have an alternative ingress point a quarter of a
7 mile south so it impacts the residents the least to keep that gate closed during
8 Christmas as there is easier access through Galleria opposed to 41 and having all of
9 that traffic come around to Vanderbilt. Mr. Walsh also has a study of the number of
10 guest cars that pass through Airport during the busy hours and the highest number was
11 50 within one hour which is easily handled at Vanderbilt. He had that study done so the
12 impact on guest cars could be understood prior to occurring. Like Mr. Carter, Mr. Walsh
13 would like to have all three gates open during the season, but it is not possible for the
14 staff.

15 Tessa Fusco - Tiburon - Would like to know the cost of having more staff because it is
16 an inconvenience during the holiday. Mr. Walsh said the issue is not financial cost but
17 rather a staffing issue. She said the shed in her backyard in New York looks better than
18 the gate at Vanderbilt.

19 Mario Pieroni - Clermont - Asked if the gate could be unmanned so residents could get
20 through along with guests who have passes. Mr. Hammel said the access control
21 process is not as seamless as that. He explained that situations arise constantly that
22 require staff to be present to make decisions regarding entry. It is not as seamless as
23 opening it for residents and guests who have guest passes. Gate arms are struck often
24 that require someone to be there and monitor the situation. Galleria is established as
25 residents only and Mr. Hammel thinks that even with a sign it would be problematic to
26 implement that at Vanderbilt.

27 Inaudible - Historically the Airport gate is unmanned at night. Galleria will have
28 increased activity, not a pleasant experience exiting Pelican Marsh on Airport. Said they
29 should consider that unmanned gate option.

30 Melvin Zen - Watercress - Asked about the traffic going north on Airport Pulling Road.
31 Said that if you go out Galleria gate you have to make a U-turn to be able to go north.
32 Mr. Walsh said even with Vanderbilt being closed a lot of residents have been doing
33 that for the past eight months.

1 Jerry Carbone - Mont Claire - Said signage is needed that states that Galleria is a
2 resident only gate. Had a situation where a non-District landscaper entered through the
3 exit lane of this gate after a resident exited the community. This landscaper almost
4 caused an accident. Mr. Walsh agreed that signage needs to be more aggressive even
5 starting at Airport since the GPS will often direct guests to the Galleria gate. Mr. Walsh
6 said there should be three to four signs stating residents only.

7 **ADJOURNMENT**

8 With no further comments, the meeting was unanimously adjourned **on a MOTION by**
9 **Mr. Giannetti at 9:55 a.m.** The next meeting will be December 20, 2023, at 9:00 a.m.