

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

3 **Regular Meeting of the Board of Supervisors**

4 **March 20, 2024**

5 The regular meeting of the Pelican Marsh Community Development District Board of
6 Supervisors was held on Wednesday, March 20, 2024, 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 Nathan Phillips, District Independent Auditor

20 **ROLL CALL/APPROVAL OF AGENDA**

21 All five supervisors were present at the meeting, establishing a quorum. The meeting
22 was convened at 9 a.m. The meeting was properly noticed. The notice and affidavit are
23 on file with the district office at 5672 Strand Court, Naples, FL 34110. Mr. Walsh
24 requested moving item 6b "Revised U.S. 41 Gatehouse Designs" to the supervisor's
25 request portion of the meeting.

26 **The agenda was approved as amended on a MOTION by Mr. Sieperda and a**
27 **second by Mr. Minty, with all in favor.**

1 **PUBLIC COMMENT**

2 Jennifer Sturgess – The Gables – Spoke about the median at the intersection of
3 Spanish Moss Trail causing conflict with her driveway at the west end of the meeting.
4 Asked to have the District evaluate shortening the median allowing for a left turn into her
5 driveway and correcting it to properly align to the road. Staff was asked to have the
6 District Engineer evaluate those changes and report preliminary findings at the meeting
7 in April.

8 Mark Gerber – The Gables – Discussed ongoing concerns with the additional costs
9 associated with adding the two new windows and sliding glass door to the Airport Rd
10 gatehouse. He is specifically concerned over management fees associated with
11 rebidding and permitting the changes that were approved by the Board in addition to
12 architectural fees and the builder’s overhead and profit allowance. He thanked Mr.
13 Dorrill for responses to certain document and building plan requests. Mr. Dorrill
14 indicated in reply that he had spoken with the builder and expressed a desire to receive
15 additional documentation related to actual cost of labor for various trades and
16 subcontractors in addition to the cost of replacement and previously purchased windows
17 and doors.

18 A resident expressed concerns that notions from the December meeting, pertaining to
19 stop sign cameras at the intersection of Bay Laurel Drive and Pelican Marsh Boulevard
20 were scheduled to be discussed further at the March meeting. Mr. Dorrill replied that he
21 had no recollection of stop sign cameras, but he would go back and review the minutes
22 to see what if any direction the Board had asked for at that time.

23 **PRESENTATION OF 2023 PELICAN MARSH AUDIT**

24 The Board was provided with an audit draft for Fiscal Year 2023. Nathan Phillips
25 introduced himself as the District’s Independent Auditor and advised that the audit was
26 as of September 30, 2023. He indicated that this year's audit was less complicated
27 because of the refinancing for the 2022 bond series that had occurred in the year prior
28 that necessitated additional work for the audit to reconcile various closures and
29 establishment of new funds as a result of the refinancing. Mr. Phillips indicated that the
30 audit had been performed in accordance with generally accepted accounting standards
31 and principles and included a variety of associated documents on both an accrual and a
32 modified cash basis and reconciliations. Indicated that the District’s funds were required
33 to be invested into Florida Public Qualified Depositor Accounts and set aside for debt
34 service requirements in accordance with the trust agreement as well as fixed assets and

1 what is taken in and off as a result of depreciation of those assets. Mr. Phillips indicated
2 that the audit resulted in a clean and unmodified opinion and indicated that financial
3 statements were properly prepared as of the audit date. There was a separate finding
4 and transmittal pertaining to the Auditor General of the State of Florida with certain
5 specific requirements that indicated no compliance items were noted at the audit.

6 The audit evaluated segregation of duties and specific responsibilities for potential fraud
7 and indicated that there were no recommendations with respect to internal controls and
8 all protocols were followed as established under the Board's procedures. Assets and
9 liabilities at year end showed a total of \$24,496,030 in fixed assets and \$4,118,178 in
10 program revenues and non-ad-valorem assessments. Interest income for the year
11 increased by \$134,246. Additionally, miscellaneous revenues totaled \$115,765. Total
12 for all revenues was \$4,368,189 which was an increase from the prior year. Total cash
13 in the general fund for 2023 was \$1,442,007 which was a slight decrease from the prior
14 year as current assets were attributable to using cash in 2023 for the District's major
15 guardhouse renovation project. Debt service was noted to be paid in accordance with
16 the required amortization schedule as it relates to the trust indenture and trust
17 agreement and separate debt service monies invested pursuant to Florida statues. The
18 series 12 bonds were refinanced in the prior year. Cash on hand was higher in the
19 previous year due to capital projects. The primary portion of which is cost anticipated,
20 again, with the noted guardhouse project. There were no further questions from the
21 board.

22 **The 2023 audit was accepted on a MOTION by Mr. Siperda, a second by Mr.**
23 **Giannetti, with all in favor.**

24 A request was made by Esther Claskcow of Tiburon who asked if Mr. Phillips was
25 related to any of the Board members and for what period of time he has been the
26 District's Independent Auditor. Mr. Phillips responded that he had been the Auditor for at
27 least 10 years and has no relationships with any members of the Board. She also
28 requested a copy of the audit and was provided with one by Mr. Walsh.

29 **APPROVAL OF MINUTES - FEBRUARY 2024**

30 The following changes were made to the February minutes:

31 Page 1 Line 26 – Add Gerber

32 Page 3 Line 8 – Osi Construction

1 Page 5 line 5 – Gurtner

2 **The minutes were approved as amended on a MOTION by Mr. Giannetti with a**
3 **second by Mr. Minty and all in favor.**

4 **FINANCIALS**

5 The financials were presented as of January 31, 2024 or through the first four months of
6 the fiscal year. On the balance sheet Mr. Dorrill indicated a total of \$3,760,000 in cash.
7 Due to debt service was \$8,876 which was a cost associated with administrative
8 overhead contributed from debt service fund to general fund. Mr. Dorrill indicated that
9 total fixed assets were \$24,469,000. Of that, construction in progress associated with
10 the guard gate project was \$731,000. Total assets on hand at the end of January was
11 \$28,230,000. There was \$86,000 in payables. Additional due to the debt service
12 representing the prepayment of non-ad-valorem assessments prior to next scheduled
13 principal and interest payment that will occur in May. \$173,000 in non-ad-valorem
14 assessments was received. Year-to-date revenues were \$3,720,000, which is
15 approximately 88% of the total revenue forecasted for the year. Additionally, interest
16 income was \$16,670. Year-to-date interest income was approximately \$45,000 which is
17 \$11,000 overbudget and on forecast to be \$100,000 total for the year.

18 There were two areas on the income statement, on the expense side, in addition to the
19 revenues that were discussed related to year-to-date cost for labor under the street
20 lighting program. Mr. Dorrill indicated that those were slightly higher in January because
21 of the part-time electrician work on landscape uplighting at the recently opened
22 Vanderbilt Beach entrance. Audit fees in January showed an expense higher than the
23 year-to-date actual. Mr. Dorrill indicated that those costs were the first month of field
24 work and the year-to-date actuals are somewhat offset by the fact that the new
25 accounting software logic does not provide the ability for management reporting to
26 adjust year-to-date actuals in accordance with the budget. Mr. Dorrill will continue to
27 revise and address that during the course of the year.

28 **The financials were accepted as presented on a MOTION by Mr. Minty and a**
29 **second by Mr. Jackoboice, with all in favor.**

1 **MANAGER'S REPORT**

2 **A. U.S. 41 Temporary Access**

3 Mr. Dorrill alluded to a revised sketch prepared by The District Engineer. It showed an
4 emergency vehicle access lane to be constructed at U.S. 41 along the northside of the
5 road right of way as to not conflict with the construction area or subsurface utilities
6 which would require the removal of canopy trees. This time the evaluation is being
7 undertaken to have a gate with gate arms that would allow emergency vehicles only
8 access during the course of construction for the replacement of the gatehouse. While
9 there was a desire to investigate further allowing residents during certain times of the
10 day to also use that for ingress, there were considerable obstacles to overcome with
11 allowing that to take place over a lime rock road. Additional cost estimates for the
12 construction of a temporary emergency access will be developed and presented in April
13 or May.

14 **B. Hardscape Update**

15 Mr. Dorrill indicated that the electrical, stucco, precast cladding, and painting had been
16 completed. Additionally, installation of letters at Vanderbilt Beach Rd is scheduled for
17 the end of next week. A resident asked why the vinyl banner at U.S. 41 was only in one
18 direction. Mr. Dorrill indicated that the vinyl banners had been installed by the contractor
19 at his cost as a way of providing additional signage on a temporary basis. The vinyl
20 banners were temporarily a fix as to not create holes in the precast cladding that will be
21 the base for the new letters.

22 **C. Oakmoss/Sweetgrass Drainage/Street Repair**

23 Mr. Dorrill indicated that a bid summary was behind the next tab in the agenda package.
24 There was a total of three bids received. The range in bids was from a low of \$160,558
25 to the high bid of \$209,340. The middle bid was \$162,598 from Berner Construction or
26 \$2,000 over the lowest bid which was from Quality Enterprises. Mr. Dorrill indicated that
27 correspondence has been received from the District's Engineer to indicate that the
28 second lowest bid from Berner Construction was also the contractor selected for the
29 milling and repaving of streets in Pelican Marsh later this spring. It was the opinion of
30 the engineer to have a single contractor working over this particular source of road for
31 both the drainage repair as well as the milling and repaving would be to the District's
32 advantage. Mr. Pires indicated that in his opinion the Board could make a finding that
33 the difference in the lowest and second lowest bids was not material in order to take
34 advantage of a single mobilization and source of responsibility.

1 **On a MOTION by Mr. Jackoboice, with a second by Mr. Sieperda and all in favor,**
2 **Berner Construction of SWFL was awarded the bid for the drainage repairs in the**
3 **amount of \$162,598.**

4 **ATTORNEY'S REPORT**

5 No report was given at this time.

6 **ENGINEER'S REPORT**

7 No report was given at this time.

8 **SUPERVISOR'S REQUEST**

9 **A. Revised U.S. 41 Gatehouse Designs**

10 Mr. Walsh provided an overview of the revised elevations and 3D rendering for the U.S.
11 41 gatehouse that had resulted in previous recommended changes following resident
12 input to include a shorter building height of two feet, additional windows on the
13 outbound side, and a double sliding glass door on the inbound side in addition to the
14 storefront window on the front and door on the rear. Mr. Walsh indicated that there is
15 also a new, covered entry and an overall larger building envelope and second porte-
16 cochere on the outbound lane. The columns are larger, and the front elevation includes
17 an alternative for an exposed gable truss and the continuing brackets or corbels
18 underneath the soffit on the roof line as additional architectural features. The building as
19 depicted continues to utilize precast limestone cladding and smooth stucco in lieu of lap
20 stucco siding similar to Vanderbilt Beach Road. A final decision will be made at a
21 subsequent date as a result of further evaluation following completion of the Airport
22 Road gatehouse that will have a smooth stucco finish.

23 A number of residents discussed their support of the temporary emergency access on
24 the north side of Pelican Marsh Boulevard but were curious as to how gate security
25 would be afforded for responding vehicles be allowed to move through the gate. Mr.
26 Dorrill indicated that discussions had been held with the Fire Chief and Emergency
27 Response Representatives of the North Collier Fire District. They will either use an evac
28 chip in the event that the gate is electric or have their own key to operate the gate
29 during those periods of time when it was closed.

30 Additionally, residents wanted to know the cost associated with the temporary
31 alignment. Those will be reported separately. Several residents spoke concerning the
32 modifications to the U.S. 41 gate that were generally well supported but included

1 concerns about lap stucco siding and the absence of a Mediterranean or Tuscan style
2 which is similar to existing residential development in the community. A resident
3 expressed concerns that she had received information that the cost of the Vanderbilt
4 Beach gatehouse entrance was \$1,250,000. Mr. Dorrill indicated that that was incorrect
5 information. The current guaranteed maximum price as approved by the Board in 2022
6 was \$1,476,000 and additionally a total of \$118,000 in change orders has been
7 approved since that time for a revised contract price of \$1,590,000 total for all three
8 gates. The majority of change orders approved to date involved redesign and alterations
9 and revisions to the Airport Rd entrance that total approximately three quarters of that
10 amount. The revised contract price is for all three guard gates and change orders
11 approved have been authorized for the existing two buildings. Changes to the U.S. 41
12 design will be separately negotiated and reported at a subsequent meeting.

13 Dave Adams from Arielle presented a revised design prepared in his capacity as a
14 retired architect and developer. It showed a modified exterior copula and exterior
15 cultured stone face that in his opinion would address a more Mediterranean or Tuscan
16 style. Mr. Walsh indicated that he had been invited to a meeting with representatives of
17 the Foundation scheduled several weeks prior and that Mr. Adams was not able to
18 attend as a result of a communication problem.

19 Several residents spoke in support of Mr. Adams' proposal and Mr. Walsh indicated that
20 there was a possibility to have the design discussed further by Mr. Adams with the
21 project architect from Houchin Construction. Mr. Dorrill indicated that it appeared that
22 the consensus of comments from Board members was that the revised alternative C-2
23 seemed to be the preferred alternative to establishing pricing modifications and change
24 orders that would include the additional windows, sliding door, covered entry, second
25 porte-cochere, larger columns, and the exposed truss with brackets across the roof line.
26 The colors as proposed are identical to Vanderbilt and Airport Rd in addition to
27 additional permitting required for those revised plans.

28 PUBLIC COMMENT

29 No public comments were received at this time.

30 ADJOURNMENT

31 With no further comments, the meeting was adjourned **on a MOTION by Mr. Walsh,**
32 **and a second by Mr. Minty, at 10:40 a.m.** The next meeting will be April 17, 2024, at
33 9:00 a.m. at Tiburon.