

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
January 21, 2015**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, January 21, 2015, at 9:00 a.m. at the Pelican Marsh Foundation Building.

APPEARANCES:

Frank Garofalo, Chairman
Robert Smith, Vice-Chairman
Don Pomerantz, Treasurer
Gordon Walker, Supervisor
Sally Dupler, Supervisor

ALSO PRESENT:

W. Neil Dorrill, Dorrill Management Group
Kevin Carter, Dorrill Management
Dave Robson, District Engineer
Anthony Pires, District Counsel
John Vanover, Operations Manager
James Calamari, Access Control

ROLL CALL

Chairman Garofalo noted that all supervisors were in attendance.

APPROVAL OF AGENDA

With the addition of Item 5B, Election of Officers, the **Agenda was unanimously approved on a MOTION by Robert Smith and a second by Gordon Walker.**

APPROVAL OF MINUTES OF DECEMBER 17, 2014 REGULAR MEETING

On Page 4 at the beginning of the third paragraph, the gentleman's name is Pomerantz. In the last paragraph, the gentleman's name is Buschle. It should also be corrected in the second paragraph on Page 6.

On Page 7 under Lake Bank Restoration, Mr. Carter's first name, Kevin should be included.

Pelican Marsh CDD- Minutes

January 21, 2015

Page 2

On Page 9, the fourth line from the top, "A resident" should be replaced with "Mr. Sparks."

Also on Page 9, the words "Beach Road" should be added after "Vanderbilt" in the first line.

At the bottom of that page in the last paragraph, the first two mentions of the word "Board" should be stricken as those in attendance were Mr. Dorrill, Mr. Pires and Chairman Garofalo.

On Page 10 in the second line, "Marsh Lakes" should be "Marsh Links".

On Page 11 under Public Comment, in the first line, the name should be Mr. Sparks as well as

on Page 12 in the second to last line before the Adjournment.

With those changes and corrections, the December 17 minutes were unanimously approved on a MOTION by Robert Smith and a second by Gordon Walker.

FINANCIALS

The November financials were provided to the Board, and the Special Revenue Report indicated that during the month of December almost \$200,000 more than the previous year was received. Year-to-date the District is tracking approximately \$100,000 more in receipts as people take advantage of the discounts for early payment.

Chairman Garofalo pointed out that looking at the variance for 2013/2014, it appeared that the entire year was added up where it should be through December only. Mr. Dorrill will have that corrected.

On the balance sheet under cash, \$3.75 million was shown, and Mr. Dorrill pointed out a late distribution that was received from the tax collector which is noted as an assessment receivable. Mr. Dorrill indicated that it will be reclassified as unused fees from the prior year, and will be rolled over into the cash amount in the next set of financials.

Under the liabilities, several due to's were noted, which is a function of money that needs to be moved out of the general fund by check into the various debt service funds, which will also be shown the following month. The income statement showed receipts during the month of

Pelican Marsh CDD – Minutes

January 21, 2015

Page 3

November of \$1,620,000 which Mr. Dorrill felt may be a record. This means that more people are paying their assessments earlier and taking the discounts.

Mr. Walker asked about the transmitter revenues at \$20,000 a year, and asked if it was expected that they would continue to be \$5,000 a quarter. Mr. Dorrill indicated that this was largely due to people returning to town, and an improving economy, and should balance out after March or April.

On the expense side, Mr. Dorrill pointed out two items that he will be looking into. Under Administrative, the actual Property, Automotive and Worker's Comp. insurance payments, which are all prepayments, were over budget. There was some loss on the Property side that explained the increase, and Worker's Comp was about \$6,000 over budget. In response to Mr. Walker's question, Mr. Dorrill noted that the general liability payment was for malpractice insurance which was under budget, and is being checked by staff to make sure the amount is correct.

Through the end of the first two months the District is \$50,000 under budget for all operating expenses, and year-to-date it is running \$44,000 under budget in the primary operating accounts.

Chairman Garofalo suggested that under Recap on Page 7, the revenue line should agree with the line on Page 3. He also noted that the current period budget, the year-to-date budget and the variance do not agree, and they should. Mr. Dorrill will check on those numbers and get back to the Chairman.

A MOTION was then made by Robert Smith and seconded by Gordon Walker to accept the financials and unanimously approved.

MANAGER'S REPORT

A. Selection of Replacement Supervisor

Due to the amount of interest in this position, Mr. Dorrill suggested that the Board may want to

Pelican Marsh CDD – Minutes

January 21, 2015

Page 4

use the sheet that he prepared with the six applicants' names where they can check their top two choices, and those names will then be tallied. If there are three names, then another sheet with the same names will be passed out to the Board, and they will be asked to vote for one and initial the pages as they will be public record documents. The Board members briefly discussed this option, and agreed to use this method.

Tally Number 1 nominated three individuals, with one individual receiving four votes.

Mr. Smith then made a MOTION that the top vote getter, Mr. Pomerantz, with four votes, should be the Board's choice as the new Board member to fill the vacancy due to Mr. Fitzgerald' death. The Motion was seconded by Gordon Walker and unanimously approved by the Board.

It was noted that Mr. Gorran and Mr. Randall had both been nominated twice. Mr. Pomerantz was welcomed to the Board, and was then sworn in as a Board member of the Pelican Marsh CDD.

B. Appointment of Officers

Frank Garofalo was then nominated by Mr. Walker to serve as Chairman. Mr. Smith seconded the nomination, which was unanimously approved by the Board.

Robert Smith was then nominated by Mr. Walker to service as Vice-Chairman. Mrs. Dupler seconded the nomination, which was unanimously approved by the Board.

The Chairman then suggested that the treasurer's position is a good way to learn about Pelican Marsh, and Mr. Dorrill added that every Monday before the meeting he and the treasurer meet to go over the financials.

Don Pomerantz was then nominated by Mr. Smith to serve as Treasurer. Mr. Walker seconded the nomination, which was unanimously approved by the Board.

Neil Dorrill was then nominated by Mr. Smith to serve as Secretary. Mr. Walker seconded the

nomination, which was unanimously approved by the Board.

C. Lake Bank Restoration Schedule and Contract

The scheduling has been set up for this project, and a month before it begins staff will meet with the affected neighborhoods' presidents and/or the property managers. The contractor will advise them as to what will occur, and a meeting will then be set for the residents.

The three lakes to be restored this year are in Marsh Links, Ventura and Arielle. It is anticipated that the work will begin around the first of April.

ATTORNEY'S REPORT

A. Welcome to New Board Member

Mr. Pires welcomed Mr. Pomerantz to the Board and noted that he will forward to him information on the Public Records Law and the Sunshine Law, which he will be subject to as a member of the Board. Mr. Pires briefly explained what those two Statutes involve and what the requirements are as it relates to public records. He added that it was best to set up a separate account so that any email related to Pelican Marsh can be stored there in the event it is requested. That includes any correspondence with the staff. No communications can be had with anyone else on the Board on any item that may reasonably and foreseeably come before them in a public meeting, including things that have occurred in the past. These communications include telephone, email and face to face meetings with someone who asks about a conversation they had with another Board member. Additionally, if an email is received by all the Board members from Mr. Dorrill, an individual Board member must reply to Mr. Dorrill only.

Mr. Dorrill will coordinate with Mr. Pomerantz and provide him the document that he must file, Form 1A, which obligates Board members to list the sources of their income. These forms are filed on a yearly basis, and Mr. Pomerantz must file it within 30 days of being appointed.

Pelican Marsh CDD- Minutes

January 21, 2015

Page 6

B. Ventanas' Encroachment

An initial draft of an easement has been prepared by WCI addressing this issue, and Mr. Pires has reviewed it, made some suggested changes, and has passed it on to David Caldwell who will forward it to the Association. An agreement will be formalized that WCI will be responsible for the Engineering and Attorneys fees associated with this easement.

C. Transponder Issue

Mr. Pires indicated that there is a hearing on a Motion to Dismiss the following week on this issue.

D. Vanderbilt Beach Fence

Nothing further has been heard from the County, but Chairman Garofalo suggested that a copy of the document they discussed at the last meeting should be obtained before they meet again. Mr. Dorrill indicated that the County needs to supply them with the points of agreement, as well as an estimate of costs for the repairs, and in turn the District will consider conveying those assets to the County and have no further responsibility for it.

Mr. Pires suggested that Mr. Dorrill send the letter to the County reminding them that they had agreed to continue the conflict assessment meeting in order for the County to provide the additional materials, and that they have not been received. Either a new date for a meeting must be set, or it should be determined that they are at an impasse and move on to the next stage of the process, which is a joint meeting between the Board of Supervisors and the Board of County Commissioners. The Chairman added that the request be made as well that the points of agreement document be provided to them before the next meeting.

Mr. Dorrill will send the letter to the County, and will keep the Board advised as to any correspondence they get in return.

ENGINEER'S REPORT

A. Troon Lakes Permit Transfer

Mr. Robson received the appropriate form that must be signed by the Chairman to enable the District to become a co-permittee with Troon Lakes on their lakes. The South Florida Water Management District has requested that a cover letter explaining the circumstances accompany the form when it is sent back to them so that they will have a record of how and why this took place. Mr. Robson recommended that the letter be simple, and indicated that he will work with staff to get the letter finalized with the Board's approval.

On a MOTION by Robert Smith and a second by Gordon Walker, the Board unanimously approved that Mr. Robson move forward with the letter and form for the Chairman's signature as requested by the South Florida Water Management District.

B. FDEP Tank

The form has been filled out, and Mr. Robson is working with staff to clarify the insurance coverage which must be provided. Mr. Dorrill noted that he will coordinate that with Mr. Powers in his office.

SUPERVISORS REQUESTS

A. Update on Oil on Tiburon Streets

Mr. Vanover indicated that he and the owner of the bus company have missed each other's calls, but Mr. Vanover will call him again after today's meeting. Mrs. Dupler indicated that Tiburon has been taking care of the problem, and Esperanza is experiencing the same problem. Mr. Vanover noted that the area where the buses were picking up and dropping off attendees at the golf event would be their only responsibility, but Mrs. Dupler indicated that it will be their responsibility.

Pelican Marsh CDD – Minutes

January 21, 2015

Page 8

B. Non-functioning Fountains at Tiburon

Mrs. Dupler also asked about the fountains at Airport and at the Ritz Carlton, which did not appear to be functioning. Mr. Vanover indicated that the Airport fountain does not come on until 9:00 a.m., and he will double check the Ritz Carlton fountain, noting that it is a smaller one. He added that the only problem fountain to his knowledge at this time is at US 41, which had to have new seals installed, and should be functioning by the end of the following week. Mr. Dorrill noted as well that if it is a windy day, the fountains with anemometers will shut themselves off to avoid spraying the plantings around them with their chlorinated water.

C. Drainage Pipes at Seville

Mr. Walker noted that he was glad to see the Seville fountain running, but asked about the drainage pipes on the east side of Seville running into the lake. He added that they looked quite bad, and did not seem to have anything to do with lake bank problems. Mr. Vanover stated that the lake in question had not yet been restored, and once it is, those pipes will no longer be visible.

D. Paver and Curbing Repair

Chairman Garofalo advised the Board that Mr. Vanover has contracted to have the pavers and curbing that have been lifted by the Oak trees around the fountain repaired within the next few weeks.

E. Bay Laurel Drive Sidewalks

Bicycle riders have reported that the curbing along this roadway is anywhere from a half inch to an inch and a half above the asphalt, and can be dangerous. Mr. Vanover is going to purchase a grinder to level off the curbing, and if necessary, add asphalt to make the two components level.

Pelican March CDD – Minutes

January 21, 2015

Page 9

F. Meeting at Tiburon

Mr. Dorrill reminded the Board that the February meeting would be held at Tiburon, and added that he had invited Mrs. Hall, the new president of the Master Homeowner's Association, to come to the meeting and introduce herself to the Board.

Mr. Vanover will coordinate the visit with Jessica at the Fitness Center Building to make sure the door is unlocked for the Board members for the meeting on the 18th.

PUBLIC COMMENT

A resident from the Gables noted that the latest minutes posted on the website are from October, and as he is only in Naples six months out of the year, he wondered if they could be kept up to date, or if he could have them emailed to him. Chairman Garofalo agreed that the website should be kept updated, but felt that emailing minutes could quickly get out of control, and Mr. Pires added unless it was with a public records request.

Mr. Dorrill apologized for this, and will speak to his staff about keeping the minutes updated on the website.

Jim Carr congratulated Mr. Pomerantz on his appointment to the Board, and thanked all the Board members for the excellent work they do for the community.

ADJOURNMENT

With the reminder that the next meeting will be held on the 18th of February, **on a MOTION by Robert Smith and a second by Gordon Walker, the meeting was adjourned at 9:50 a.m.**