

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
MARCH 18, 2015**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, March 18, 2015, at 9:00 a.m. at the Pelican Marsh Foundation Building, 1504 Pelican Marsh Boulevard, Naples, Florida.

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
James Calamari, Access Control

ROLL CALL

All members were in attendance. Mr. Dorrill indicated that a change occurred in the State Statute regarding a member of the public's right to speak at a meeting, and generally the Pelican Marsh CDD has a fairly liberal and accommodating policy. At the discretion of the Board and with Mr. Pire's concurrence, a brief opportunity will be provided at the beginning of the meeting for people to speak about any issue they may have.

Chairman Garofalo suggested that they should speak about items not on the agenda at that point, and comments related to the agenda items can be addressed at those times.

Mr. Pires indicated that he will provide the wording of the Statute to the Board, and perhaps

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it could be formalized and put on the website. The legislation requires that before the Board takes any action on an item, that the public be allowed to speak. Mr. Pires added that this Board always does that, but he did feel that a more formalized policy was needed so that the public was aware of it as well. He suggested that comments be requested at the beginning of the meeting on any item on the agenda, or they can wait until the item comes up.

Chairman Garofalo expressed concern about walk-in items, and Mr. Pires suggested that a signup sheet could be provided for those items, which Mr. Pires felt would be appropriate protocol for the Board, but no action would be required on them.

Mr. Walker suggested that the Board try this, and the Chairman agreed, adding that the public could be advised that these comments would not be discussed by the Board, but just heard.

The Board agreed. Mr. Pires will provide the amended protocol at the next meeting.

APPROVAL OF AGENDA

On a MOTION by Robert Smith and a second by Gordon Walker, the Agenda was unanimously approved by the Board.

PUBLIC COMMENT

Jeffrey Randall from Watercrest suggested that copies of the agenda be available at the meetings for those people who have not seen it on the website. The Chairman agreed that this would be appropriate.

Blane Boswell made a few broad comments on the security issue, indicating that his community of Ivy Pointe has a growing concern about burglaries, security and access to the community.

There continues to be a lack of understanding about public streets and access to them. He suggested broader communication with the community on the principles of security, what the CDD security staff is empowered to do and when the Sheriff's Department needs to be brought into the picture, as there is growing unease on this issue.

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The Chairman indicated that today's discussions would include many major changes being made to the access control portion of the CDD. Mr. Boswell asked that there be broader communication to the residents on how the system works, and the Chairman assured him that a blast email would be sent out advising all the residents of the changes.

John Wise from Tiburon Midrise Association indicated that the stakes put out by surveyors is making it very difficult to determine the boundaries of the CDD and their association boundaries. He asked if there was a better map than the one posted on the website. The Chairman suggested that good information can be obtained from the Appraiser's site as to where the property boundaries are. Beyond that, he suggested that a surveyor could be hired by a private community to make that determination.

Mr. Dorrill indicated that they do have a boundary map, and the CDD boundary runs all the way to Livingston Road, and all the way north to include the adult life care community at that end. He will provide a boundary map to Mr. Wise, and Mr. Pires added that the information on the lakes as it relates to folio and tract numbers, deeds and legal descriptions can be obtained. He indicated that he has with him a revised sheet for the lakes west of Airport Road, and suggested that it can be put on the website so people can see the District's interest in any particular lake. Recording information can be obtained from the Clerk's Office website, and aerials can be seen on the Property Appraiser's website. Again, however, information on actual boundaries on the ground does require a surveyor.

Chairman Garofalo then expressed his concern about public comment at this point, as it leads to discussion that can take up quite a bit of time. Mr. Pires suggested that the approach could be that when someone raises a new issue, the Board can listen to the question and then direct staff to investigate the question and bring it to the next meeting.

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APPROVAL OF MINUTES OF FEBRUARY 18, 2015 MEETING

Chairman Garofalo advised the Board that there were many missing statements in the February minutes due to side conversations that made it difficult for the transcriptionist.

On Page 1, Zack Kobrin's name was misspelled, and he should be noted as counsel for the Pelican Marsh CDD Defendants. Additionally, the spelling of his name should be corrected throughout the minutes.

On Page 5 in the first line, Pelican Bay should be Pelican Marsh, and "Tiburon" at the end of the second sentence should be "Timarron".

On Page 7, Mr. Call's name should be changed from Mr. Cole in several locations.

On Page 9, Mr. Mintz' name should be corrected in paragraphs three and four.

On Page 10, Under Item C, the fifth line from the bottom, "official" should be "officials".

On Page 11 in the fourth line under Attorney's Report "Airport Road" should be deleted and US 41 inserted.

On Page 13, it was again noted that Mr. Kobrin's name should be corrected.

On Page 14, Item B, the word "insurance" should be inserted before "rider" in the last line.

On Page 15, the third line from the bottom begins with the word "they", which should be changed to "the CDD".

On Page 16, in the first line of the second paragraph the word "gateway" should be changed to "gatehouse".

On Page 17 in the second line, the word "Mater" should be changed to "Master".

On Page 18, the starred speakers could not be identified, but on that page in the second line of the third paragraph, the word "levy" should be "levee".

On Page 19, again there was an unidentified speaker.

On a MOTION by Robert Smith and a second by Gordon Walker, the minutes of the February 18 meeting were then unanimously approved as corrected.

FINANCIALS

The December, end of the first quarter financials were provided to the Board, and the special revenue report showed the year-to-date actuals through the end of February as tracking \$26,000 less than the preceding year, which Mr. Dorrill did not feel was a significant number. Chairman Garofalo noted that one of the reasons for the shortfall was because Esperanza Two had come in at a lower density, with a corresponding loss of \$30,000 to \$35,000 in assessments.

The balance sheet for the end of the first quarter showed \$4,018,000 in cash on hand against \$74,000 in payables. Mr. Smith noted that the heading of December should be changed to January on this page. The \$2,000 item noted as fence deposit was money being held in escrow to remove a fence pursuant to an agreement regarding a lake easement encroachment.

Year-to-date assessments were approaching 84 percent on the income statement, and some of the annual and bi-annual payments made on the expense side were noted. Next month's financials will show one of the months as having three pay periods, and overtime under access control has been higher than budgeted due to the fact that there are a number of full time positions that have not yet been filled.

Year-to-date operating expenses are \$120,000 below budget, and on page 7 of the income statement the separate costs for capital outlay and contingency reserve were captured.

Mr. Smith asked for an explanation of the holiday bonus where budgeted amounts were not given out, and why they were not made in December. The Chairman suggested that perhaps the bonus was given late in December and was not booked until January. Mr. Dorrill indicated that he would check that, as those numbers did not seem correct.

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

MANAGER'S REPORT

A. Recreational Use of PMCDD Lakes Update

Copies of the update were provided to the Board members, and Mr. Pires went through the suggested changes. The first item indicated that property owners and their guests can recreationally use their private property. Mr. Pires also suggested that clarification should be made that the idea is that if they are on their own private property and fishing in a District lake, which is what the context is intended to mean. Mr. Pires added that after today's discussion he will make the revisions and bring them to next month's meeting.

Chairman Garofalo noted that the first item spelled out that members of the general public are not allowed to recreationally use the Pelican Marsh CDD lakes.

Mr. Pires indicated that the next line indicates that residents and their guests only may recreationally use all PMCDD common grounds property along the lakes. His concern was with the use of the words "common grounds property", as the District grounds are not common grounds, but are government and District owned, and he suggested that the terminology should be that residents and their guests may recreationally use all PMCDD ponds/lakes.

Mr. Smith and Chairman Garofalo did not agree with that. The Chairman felt that the intent of this was all the residents can use their own property and all the residents can use the CDD property for recreational use. He asked if "District property" could be used in lieu of "common grounds property", and Mr. Pires suggested then that the two words "common grounds" be eliminated as it already says PMCDD property along the lakes.

The next point indicates that individuals can contact the PMCDD to confirm whether any property is considered common ground or private, and after a brief discussion, it was agreed that the entire line would be stricken.

The next point references the recreational use of PMCDD stormwater lakes defined as but not limited to the following: fishing, sunbathing, picnicking, bird watching, etc., and the sentence at the bottom regarding excluding any type of watercraft of any kind and swimming should

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be moved up to immediately follow that phrase.

The next paragraph indicates that a lake maintenance easement exists around most lakes in the Pelican Marsh CDD. The easement provides an avenue for the PMCDD to access all the lake perimeters for the purpose of maintenance and repair. This stormwater maintenance easement does not give anyone the right to recreationally use this maintenance easement except on their own property. Mr. Pires felt that this was a good statement.

Dave *** asked what the value of the word “et cetera” was as it related to the items defining recreational use, and the Board agreed to take out those words.

The next paragraph indicated that the property around the PMCDD stormwater lake is considered private except for locations classified as common grounds, and after a discussion, that sentence was struck.

The next line indicated that during the dry season when the lake bottom land is exposed, the exposed land will be considered an extension of the adjacent private property for recreational use purposes. Mr. Pires felt that the sentence gives the impression to someone that they have an ownership interest in that lake bottom, and secondly, the exposed lake bottom should probably not be mentioned as it is not an extension of the private property, and if there is going to be fishing, it would only be from the grassy lake bank area. He added that a blanket statement such as all fishing activity will be conducted from the grassy lake bank would suffice. Mr. Call asked if this discussion was about fishing by the property owner, and he was advised that it was, but no one should go down the embankment off the grassy area to fish. To clarify, the homeowner may own a piece of land that has a lake maintenance easement encumbering it, and that property owner can go onto that lake bank and fish. It does not give the right to the general public to use it.

The last sentence of this portion of the updates indicated that recreational use will only be allowed on this low water exposed property by adjacent unit owners and their guests.

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Mr. Pires felt that the entire paragraph could be eliminated and replaced with language saying that fishing will only be allowed from the grass lake bank area. The Chairman agreed.

The next statement indicated that individual property owners will be responsible to monitor and contact the appropriate authorities as necessary to report any violation on their property as they desire.

Mr. Smith noted that if an owner starts running kids off the property, he may have some trouble with them later. He felt that it would be appropriate to have the rover say something to unauthorized people fishing in the lakes, and the Chairman indicated that they will be discussing the rover's responsibilities later on in the meeting. The last line indicates that no one is allowed to recreationally use any PMCDD lake from sunset to sunrise, which will cover Mr. Smith's concern.

When these updates are finalized, the Sheriff's Office will be advised that people know where the general public is allowed to fish, and if they call, it is because they are on private property. Residents and guests will have to be advised as to where fishing can take place.

Mr. Smith indicated that after the last meeting he wrote up a few simple things as follows: No private watercraft of any kind is allowed on any PMCDD lake. No night fishing on any Pelican Marsh lakes. No fishing behind or beside private homes or the country club on the lakes. Fishing permitted in Pelican Marsh lakes facing streets only, Pelican Marsh allows an individual to fish from their own property.

*** felt that it was very complicated, as it indicates what can be done and then mitigates it in the next sentence, and the Chairman indicated that they would go back and shorten it up to make it easier to understand.

Mr. Smith felt that calling the Sheriff was going to lead to trouble for the homeowner, and suggested that the rover should call them. Chairman Garofalo indicated that this rover is not a law enforcement official, but Mr. Smith felt that the lake belonged to the CDD and they should

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be handling calls to the Sheriff. The Chairman felt it was a private property issue, and Mr. Pires noted that it would be easier to have a blanket rule for all District lakes, as he has said from the beginning, it is a District lake.

The Board agreed that it should be kept simple, as this list makes it difficult to understand.

Doug *** from Marsh lakes indicated that there were two younger people on bikes who had come from the front of a house on a recent evening who indicated that they did not live in Pelican Marsh. The rover came by shortly after and was advised of the direction they had left in. His question related to those residents who are not home to enforce their private property rights, and wondered if someone comes by and sees them, as he did, is it appropriate to call the Sheriff's Office. The Chairman indicated that this would be covered during the meeting.

Mrs. Call from Marsh Lakes suggested that once the Board comes up with the policy, that they post it on the website along with a map of the entire District highlighting the areas where fishing and recreation is permitted. That way residents will be able to see where fishing is allowed or disallowed. The Chairman indicated that there are 102 lakes in the District and he was not sure how the photo could be made big enough on the website to show all that information. Mrs. Call felt it had to be clear where fishing was permitted, otherwise the rover, the sheriff and the residents are not going to be sure.

Mr. Pires indicated that there was one graphic with numbered lakes, and the CDD lakes could be highlighted on that. He added that sometimes it is easier graphically to see where something is rather than in text. The Chairman did not support this idea as it would be a big project, and Mr. Smith again noted that his notation about fishing in lakes facing the streets and not behind houses made it simple to understand. The Chairman indicated that if it was understood that there was no fishing on the golf course, or where there were houses or buildings that would cover it, and Mr. Pires noted that this could be written into the policy. Mr. Call felt that the language simply has to say that recreational activities such as fishing,

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et cetera, are prohibited behind, in front of or beside any residential building with the exception of the owner of that building, and the public does not need to be mentioned. Mr. Smith agreed that this was all that was needed.

Chairman Garofalo indicated that another look would be taken at the updates, and the Board will revisit the issue at the April meeting.

Mr. Call added that it would be helpful if the draft of what was to be reviewed at the April meeting on this issue could be publicized beforehand. The Chairman indicated that in his opinion it would not make it any easier, and felt that passing it out at the beginning of the meeting would work just as well. Mr. Pires felt that it would be helpful to have it in the agenda book with the revisions, to be able to see it beforehand.

**** from Marsh Lakes felt that an easier first statement would be recreational use of the Pelican Marsh lakes is restricted to owners and guests.

Mr. Randall from Watercrest suggested that the Board listen to Mr. Call when he said that the public does not have to be mentioned.

Chairman Garofalo indicated that it was not unusual for the Board to struggle over the correct wording that used common sense and was simple to understand, but they will take another look at it at the next meeting.

B. Vanderbilt Beach Road Fence Update

Mr. Dorrill has met with the new County Manger twice since the last meeting, who has approved a resolution that recently came about. The District will convey the parcel of land south of the fence on Vanderbilt Beach Road to the County, and the County will then be responsible for the ownership and maintenance of that parcel in perpetuity. The District will be released from any landscaping responsibility on this parcel, which it has maintained for at least the past 15 years. The District has agreed to cost share in the repair of the concrete fence in the two areas needing it, if it is not recoverable from the insurance company from the person

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who ran through it in the one instance. The cost to the District to fix the fence will be approximately \$2,000.

Mr. Pires added that the County will be maintaining the entire wall, as part of it is in the right-of-way and part of it is not, and he had suggested to them that they draft a proposed interlocal agreement for that. They are preparing the conveyance documents now to be turned over to the District for signing. Mr. Pires suggested that part of the agreement should include the fact that the lake that is located there is part of the District's surface water management permit.

Mr. Dorrill noted that there is a second lake in that area that is rectangular in shape, and he does not believe it is District property. He will, however, check on that.

Chairman Garofalo did not like the fact that it took the County until the previous week after a meeting in October to come to this agreement, and he wanted to know what the timing would be for the District to receive this document. He explained the process the Board was following in settling this issue, and if a draft of the agreement is not received by the next meeting, the Chairman suggested that they be given a deadline for submittal, which if not honored will force the District to move onto the next step, which is meeting with the County Commission.

Mr. Pires suggested that a letter be sent to them asking for the details of the proposed settlement, and they could discuss those details at the next Board meeting. He agreed if it went another month after that, they should consider it an impasse, and move onto the next step, as it has dragged on too long.

Chairman Garofalo did not think that the County would be able to put the agreement together with everything that had been agreed on quickly, and felt that a deadline was necessary.

Mr. Boswell asked if it would be easier for the Board to prepare the draft and submit it to them, but Mr. Pires indicated that the concern was he wanted to know what they were proposing to resolve this as they had started it.

The Chairman wanted to make sure that the key issues were in the agreement as per the

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Board's expectation, and the addition of responsibility for two lakes may cause delays again.

He felt it was important to get a written document from them, and timing is critical.

Mr. Randall asked if there was anything to prevent the CDD Board from directing Mr. Pires to send a letter to the County's attorney asking them to respond quickly or by a certain date. He was advised that Mr. Dorrill was doing that.

Mr. Pires added that he assumes that the County Attorney's office is communicating with the County Manager, and when Mr. Dorrill copies him with the letter, he will send it along to County Attorney Klatzkow.

Mr. Boswell indicated that he preferred working with his own language, the way he wants it.

The Chairman indicated that they have done that, and provided their expectations to the County. Mr. Wise asked why there is no third party recovery from the accident that caused some wall damage, and was advised that there could be, and they are waiting on that information. The Chairman added that the fence is old and is deteriorating anyway, so the County may want the entire fence replaced, which would be significantly more expensive.

Mrs. Call from Marsh Links asked if the fence was the entire southern perimeter of Pelican Marsh and Tiburon, or just a portion of it. Chairman Garofalo indicated that it was the property between Goodlette Road heading towards US 41 before you get to Mercato.

C. Post Orders Update

This item was noted as a series of suggested changes to the access control post orders. Mr. Dorrill noted that in response to some recent information received, some off duty Sheriff's deputies had to be brought in unannounced in the early evening hours both at Tiburon and Pelican Marsh over the course of the last several weeks. That will be re-evaluated on an ongoing basis, but to alleviate concerns this has been done.

The deputies have been targeting residential areas for potential dinnertime bandits. They are

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primarily in marked cars, although on a few nights they were in an unmarked car. Chairman Garofalo remarked on the Troon Lakes incident where the doors and sliders had been left unlocked, and the perpetrators walked right in and stole jewelry that was hidden in a false bottom drawer.

Mr. Walker asked Mr. Dorrill if the District relied on the Naples Police Department at all, and was advised that they are three and a half miles north of the Naples city line, so designated off duty Sheriff's deputies are always the law enforcement used.

Mr. Mintz from Troon Lakes indicated that he had visited with the people who were robbed, and was advised *** (inaudible)

Chairman Garofalo indicated that he and Mr. Calamari had gone through the rules for access control to update them. The sections added and deleted were highlighted, and Mr. Pires then reviewed it. There were three post orders to be looked at, and Mr. Calamari went over the changes to them. The first item under operations indicating that the gatehouse staff will contact the rover in the event of a burglary or serious emergency was deleted as that is the purview of the Sheriff's Department. The second change added language related to the web based system, and the word local relating to a phone number was deleted as any number can now be used.

Under gate access, as there are no longer transmitters in use and that section was deleted.

On the substitution page, Item 3 was moved from the top section, and added to a different section. The language remained the same. The heading on that page was that the following vehicles are not required to be logged in, such as utility vehicles.

The heading on the next document was Commercial Vehicle Access, and the entire first paragraph is being deleted.

Mr. Pires noted at this point that anything involving security is exempt from the public records law; however, the Board has the ability to waive that confidentiality exemption from disclosure, but James has indicated that it is being changed and he did not wish to have any further

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discussion on it by the Board. Mr. Pires added that the Board could have a closed door session with a tape recording of it made. The Chairman asked why they were then discussing it in a public meeting, as it pertains to all the residents, having to do with people coming in after hours. Mr. Calamari indicated that the amended post orders would be posted on the website once the changes were approved.

Chairman Garofalo stated that for years commercial vehicles were not allowed into Pelican Marsh after 7:00 p.m. or on Sundays unless someone calls about an emergency. That is changing, and each private HOA will now determine how they wish to handle it, and they are the ones to be contacted in these events. Mr. Pires added that the reasoning for this is that the District does not enforce County ordinances or permitting, and the road is a public one.

Mr. Newman from Spanish Moss asked who they should contact, and was advised that the Foundation is their HOA.

Mr. Pires added that if someone sees construction going on after hours, they can contact Collier County Code Enforcement to enforce those issues.

Mr. Mintz asked how the guardhouse people will enforce this, and Mr. Calamari read from the post orders where it indicates that the individual communities with private roads may have more stringent policies regarding access. These more stringent policies are the responsibility of the individual community HOA to enforce. Mr. Pires added that any vehicle coming through the gates only has the ability to stay on the District roads.

Mrs. Call asked how Marsh Links handles this, and was advised that legally anyone can drive into Pelican Marsh and Marsh Links, and suggested that a resident could call access control to let someone in.

The next section noted that there were two exceptions but there is only one, and the exception that didn't apply was stricken. In the next section the words "on District roads" was added, and a sentence was added at the end indicating that individual residents on private roads should contact their HOA.

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Mr. Smith asked about Operation number 2 which indicated that the guard should be curbside to greet each visitor, and on visits to the guard gate, he has found that on occasion you had to stop and wait for the guard to come out. Chairman Garofalo indicated that greeting is basic training, and this discussion was about policy. Additionally, Mr. Smith indicated that sometimes the guards look unkempt, and they act as if it's a chore to do what they are doing. He felt that the guards represent Pelican Marsh, and they are the first thing people see when they come in. Mr. Calamari agreed, and indicated that there is an entire post order on appearance that will be stressed.

The next page had the most changes, having to do with the patrol rover. Quite a bit of language has been added with Mr. Pires' assistance, and some things were deleted that were obsolete. Language was added explaining the difference between a District road and a private one, as well as language indicating who should be called about any suspicious activity. A sentence will be included that indicates in bold letters that any suspicious individual will not be engaged or approached. The rover's responsibility is to observe and report on CDD property, but if sees an incident at night, he will call the sheriff.

Mrs. Dupler noted that the word security is misused in both Tiburon and Pelican Marsh, and Mr. Calamari agreed that security and access control were two different things, and added that the rover served as a deterrent to criminal activity as well.

Previously foot patrols were utilized, and the decision has been made to keep them in their cars, patrolling, so that section is being stricken from the post orders. A section is being added having to do with maintaining relationships with residents, and one of the rovers knows every resident because he stops and talks to people. Chairman Garofalo added that when the Board makes decisions on these changes, classes will be given to the rovers and the gate personnel as well to bring them up to speed on the changes.

Mr. Smith was assured that the appearance issue will be addressed with the gate personnel immediately. *** asked if a list could be made to advise residents of what access control and

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the rovers will and will not do, and Mr. Calamari indicated that it would be posted on the website and an email blast will go out to all the residents.

Item 11 was deleted, and 18, 19 and 20 were redundant, so the language was changed to say patrol all areas within the CDD. Item 21 was deleted.

Mr. Smith, in referring to Item 16, felt that the rovers were taking advantage of the situation, and Mr. Calamari noted that he could give 15 examples where the rover was far off the property on Pelican Marsh business. Mr. Smith indicated that he has seen the rover in front of restaurants, and the Chairman indicated that they should look into it, and if a problem is found, it will be dealt with in a disciplinary manner.

The gatehouse overview was then looked at, and new language was added related to the new web based system, and a line related to contractor hours was deleted. If a resident calls the gatehouse and asks them to call 911, they will be instructed to call 911 themselves. That has always been in the post orders and it will be emphasized to the residents.

Mrs. Call from Marsh Links suggested that it is all in how it is said, rather than it's not my job, perhaps a script could be prepared for them, and Mr. Calamari indicated that they do have a script and they do their best in what is sometimes a difficult situation.

Gary *** from the Gables suggested that the residents be reminded of this protocol a few times a year as there are new people, and it would help the gate staff. The Chairman agreed, and suggested that email blasts should go out several times a year on certain important issues for the residents.

Mr. Boswell suggested that the association presidents be sent a one page document with the information as there are still people who do not use email. The Chairman felt that it may be a good idea to meet with the association presidents as well and bring them up to date on the changes for their neighborhood residents. Mr. Mintz added that the information should be included in the new homeowner packet that is given out, as well as having it available on the

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desk in the office as a majority of the residents are in and out of there regularly.

After a further, brief discussion, Chairman Garofalo indicated that they will put together a one page document highlighting the critical information. Along with the email blast and the television information that will all be uniform, this will hopefully reach all the residents.

The problem with the appearance of the gate guards was again brought up, as well as their ability to move cars through the gate quickly as backups frequently occur (overtalk) when they are also trying to manage the phone. Again, the importance of educating the homeowners on the rules and regulations as they relate to what staff at the gate can do was stressed.

The Chairman asked if they had the approval of the Board to make the changes to the post orders, **and on a MOTION by Gordon Walker and a second by Robert Smith the Board unanimously approved the changes to the three post orders as discussed.**

The post orders will be cleaned up and sent out to the residents.

Mrs. Call asked that the realtor authorization forms have the actual term of the listing noted on them as the expiration date is not shown at this time. Mr. Calamari indicated that they would do that.

ATTORNEY'S REPORT

A. Update on Pelican Marsh Lawsuit

The stipulated Dismissal with prejudice has been filed and Mr. Kobrin expressed his thanks through Mr. Pires to the Board and staff for their cooperation and assistance. The issue is officially closed, and Mr. Pires suggested that he, the Chairman and Mr. Calamari have a discussion later on the transponder issue and how to best word it in the post orders. It will then be brought to the Board for approval.

ENGINEER'S REPORT

A. Troon Lakes Permit Transfer

The forms, documents and cover letter are ready to be sent to the South Florida Water Management District to affect this transfer once they are approved and signed by the Chairman.

B. Fuel Tank Registration

Mr. Robson has worked with District staff and confirmed that the insurance carrier will issue insurance once the DEP issues a number to the tank for this purpose. The necessary form has been signed by Mr. Robson, and he will deliver it to the Florida Department of Environmental Protection.

SUPERVISORS REQUESTS

A. Gate Closings

In response to Mr. Smith's question, Mr. Calamari indicated that the three main gates close at 10:00 p.m. Mr. Smith suggested that they should close earlier in the winter as there is no way to control people coming in after dark, especially those on bicycles, without the gate being closed. He has not observed the guards outside watching people coming and going on foot and on bicycles, and felt that it was a matter of security.

The Board discussed closing the gates at sundown and then reopening them at 8:00 a.m., and Mr. Calamari added that they can be left that way when the time changes. Mr. Dorrill advised the Board that there is going to be quite a bit of cycling on the gate arm, which will have consequences, as there is quite a bit of traffic going through the gates between 5:00 and 8:00 p.m. The Board then agreed that the gate will be closed at 8:00 p.m.

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B. Sheriff's Office Patrols

Mr. Smith suggested that the patrols seem to be doing more ticketing than patrolling, and Mr. Dorrill indicated that they do both. Chairman Garofalo felt that speeding was one of the biggest issues in Pelican Marsh, as people don't seem to want to obey the speed limit signs. Mr. Dorrill indicated that they will evaluate that, and Mr. Calamari indicated that they monitor the Sheriff's activities and they are provided with reports from them, and Mr. Walker is provided with a copy of it at the beginning of every meeting.

C. Galleria Entrance

Mr. Walker indicated that the pavement at the Galleria walk in entrance is significantly broken, although it is not crumbling, and it could cause a tripping hazard. Mr. Carter will speak to Mr. Vanover about this issue, and will make sure it is followed up on.

The Chairman added that they have recently purchased a grinder for problems with the pavement, which makes it easier and quicker to address these issues.

D. Real Estate Signs

Mr. Walker noted that the open house and for sale realtor signs continue to be placed in areas where they are not allowed, and suggested that the rules need to be reinforced on this issue. Mrs. Hall will provide all the information to NABOR where it will be provided to the realtors.

PUBLIC COMMENT

Fred Thompson of Ivy Pointe spoke to the 41 entrance, noting that when they originally moved to Pelican Marsh there was uplighting at the entrance and over time they have disappeared. He felt that they had added to the overall appearance at the front gate, and wondered if there was a plan in place to redo them. The Chairman advised him that a year ago he had walked the front entrance, noting where the uplights were, and all the lenses were cleaned and bulbs

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replaced, and suggested that this should probably become an annual maintenance item as they were fixed just a year ago. This will be followed up on with staff, and it will become a routine item for maintenance.

Mr. Boswell indicated that Mr. Thompson had raised this issue with him awhile ago, and he apologized for not responding to it more quickly, but the Pelican Marsh sign at the 41 entrance has LED lights behind the letters, and it is lit up, but not as brightly as it would be with uplights. Chairman Garofalo indicated that the entrance lighting is different at each gate, but he agreed that they would take a look at the lighting at all the gates.

ADJOURNMENT

Mr. Dorrill indicated that the April meeting would be held on the 15th, and **on a MOTION by Robert Smith and a second by Gordon Walker, the meeting was adjourned at 11:30 a.m.**

