

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
SEPTEMBER 16, 2015**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, September 16, 2015 at 9:00 a.m. at the Pelican Marsh Foundation Building, Naples, Florida.

APPEARANCES:

Frank Garofalo, Chairman
Robert Smith, Vice-Chairman (Via Speakerphone)
Don Pomerantz, Treasurer
Gordon Walker
Sally Dupler

ALSO PRESENT:

W. Neil Dorrill, Dorrill Management Group
David Robson, District Engineer
John Vanover, Operations Manager
Matthew Flores, Woodward, Pires & Lombardo
James Calamari, Access Control

ROLL CALL

The meeting was called to order by Chairman Garofalo, and it was noted that all supervisors as listed above were in attendance, with Robert Smith appearing via speakerphone.

On a MOTION by Gordon Walker and a second by Don Pomerantz, the Board approved Mr. Smith's appearance and full participation via speakerphone due to exceptional circumstances.

There was no public comment received

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES OF AUGUST 19, 2015 BUDGET HEARING AND REGULAR MEETING

On Page 3, the speaker's name was Mary Storto.

In the second to last line of that section, the word "accessible" should be "assessable".

On Page 5, in the third line the word "calendar" should be inserted before the word "year".

On Page 6 in the top line, the word "dispute" should be inserted before the word "resolution".

On Page 7 in the first line of the third paragraph, a comma should be inserted before the word "that".

On a MOTION by Gordon Walker and a second by Sally Dupler, the minutes were then unanimously approved by the Board.

Mr. Walker also noted that he had a few comments on an attachment to the minutes from the Collier County Sheriff's Office. This item will be fully discussed under 5C.

FINANCIALS

The July ending financials showed no changes in the year-to-date revenue report, as there were no revenues received during the month of July.

Going into the final quarter of the year, there was \$1,710,000 in cash in the general fund against \$112,000 in payables.

Year-to-date revenues are at 96 percent of the budgeted amount and total revenues for the ten months ending July were \$3,260,000 against a total budget of \$3,360,000. Total operating expenses for all maintenance and operating activities were \$119,000 under budget at \$2,550,000 against a budget of \$2,670,000.

Mr. Smith noted that only \$600 was paid in July under Board of Supervisors fees, and Mr. Dorrell will check that amount.

Mr. Smith also asked about the \$3,100 for transcription fees with a budget of \$400, and after checking the ledger, it was determined that there was a coding error, and approximately \$2,800 was for the mailouts to residents.

Legal fees were also noted to be over budget, which showed \$5,000 being paid in the recent lawsuit, which was part of the settlement agreement. The remainder was for Mr. Pires work in the code enforcement action with Collier County and the transponder lawsuit.

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

MANAGER'S REPORT

A. New WCI Community

Mr. Dorrill updated the Board on the new WCI community located on the east side of Livingston Road north of Marsala. After doing some due diligence, staff has registered some of their concerns regarding receiving their storm water, and Mr. Robson provided a schematic overview for the Board showing the preserve area and how the water will flow into it. The conceptual plan has not yet been permitted, and Mr. Robson indicated that if everything is planned and permitted properly, the District will not see any difference in the water going into the preserves. When Grady Minor requests a permit from South Florida Water Management, it can be checked to make sure the pre-post was followed.

Mr. Robson noted that the zoning is not yet completed, and he will continue to monitor it over the next year to two years as they go through the zoning and permitting processes.

B. Former Tiburon Sales Center Site

The Board members were provided with an aerial that showed this existing parcel of land that is anticipated to become a CDD asset. WCI is interested in carving out the north end of this site as it contains a golf hole and is necessary for legal access. The balance of the site, however, is intended to be conveyed to the CDD. The area has been re-landscaped, and once the final survey and warranty deed is received the Board will be advised.

C. Collier County Sheriff's Contract

The renewal of the contract for extraordinary law enforcement protection for the Community was included for the Board's perusal. This is an updated contract, and Mr. Pires has made a suggested change to it. The fee is a direct pass through fee that is incurred by the Sheriff of \$42.50 per hour for a minimum of three hours.

Mr. Flores from Mr. Pires' office explained the change Mr. Pires wished to make in the indemnification paragraph, which should include willful misconduct as well as negligence on the part of the Sheriff's Department. Mr. Dorrill suggested that this be explored with the Sheriff's Department to determine if they are willing to make the change.

Mr. Smith asked about Paragraph 4, which seemed to read that the Sheriff's Department would be at Pelican Marsh three hours a day, every day of the week. He was advised that the District's contract was for \$17,500, and that is what the Department would work within, but the words "on the days requested by the CDD" will be added to clarify this. Mr. Calamari added that it is part of the Sheriff's Department's post orders that only a marked car will be used, and Mr. Walker noted that the zip code should be corrected on the first page to 34108.

Mr. Randall asked if patrol on the public roads is provided on a periodic, regular basis aside from this contract, and he was advised that it is.

On a MOTION by Robert Smith and a second by Gordon Walker, the contract with the indicated changes was unanimously accepted by the Board.

D. Group Health Insurance Renewal

The Board was provided with information regarding the proposed increase as well as a recommendation from staff that will save money. Mr. Dorrill briefly reminded the Board that there is a single group of 18 employees with two different plans, with four of them opting for the PPO plan with slightly better benefits.

The proposed renewal has an increase rate of 9 percent due to medical trends, demographic

changes and utilization. An alternative to the PPO was shown which had some minor changes in the co-pay and prescription drug costs, which would save the District \$600 per month in the total premium, or \$7,200 a year. This will offset the increase in the base level plan which is going up by \$450 a month. Staff is recommending that this alternative be approved.

On a MOTION by Gordon Walker and a second by Richard Perry, the Board unanimously approved the new insurance plan.

E. Whimbrel Watch Paving Program

A repaving capital project is proposed for the new fiscal year, which will begin a month earlier than in previous years. Mr. Carter gave a brief overview of the small project on Whimbrel Watch this year, with an estimated cost of \$35,000 for about 4,100 square yards. Ajax Paving has committed to begin the project before Thanksgiving.

Mr. Robson added that a factor for the costs is the size of the project, as a company's mobilization costs are anywhere from 15 to 20 percent on a small job.

On a MOTION by Robert Smith and a second by Gordon Walker, the Board unanimously approved the execution of the agreement with Ajax Paving for the 2016 project as outlined in the budget.

ATTORNEY'S REPORT

A. Vanderbilt Beach Road Fence Update

The signed settlement agreement has been transmitted to the County, and this item has been tentatively set for the next County Commission meeting which is scheduled for September 22. A small issue has arisen where there is some concern within the Pine Ridge Community's Civic Association about the County being responsible to maintain the property going forward as the CDD has done in the past. Mr. Dorrill has a call into Mr. Casalanguida at the County in this regard, and will keep the Board advised.

Mr. Pires has suggested that if this causes a problem with the agreement, that the Board

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should default to the next step which would require a joint public meeting with the Board of County Commissioners and the Board of the Pelican Bay CDD.

Chairman Garofalo felt that if an agreement is not reached by next month on this ongoing issue, that they should move on to the next phase of this process as suggested by Mr. Pires. This decision will be made by the Board at that time.

ENGINEER’S REPORT

Mr. Robson advised the Board that a call had been received from a representative of Ajax in reference to the FDOT about a pole at the US 41 entrance at the traffic light, as pointed out on a schematic by Mr. Robson. This pole is on the District property, and there has been quite a bit of miscommunication on this. Mr. Robson spoke to Mr. Bellerose from the ***Lockman Group, and Mr. Bellerose will communicate with the County and FDOT in an effort to simplify this issue. The pole must be replaced in any event as it was hit by a car and damaged. There is nothing the Board must authorize at this point, and hopefully an easement document will be executed to allow the pole to remain where it presently is. The Board will be kept advised.

SUPERVISORS’ REQUESTS

No further requests or comments were received from the Board.

PUBLIC COMMENT

No comments were received from the public.

MISCELLANEOUS CORRESPONDENCE

The LPGA has scheduled their season ending championship for the week of the Board’s November meeting, and the tournament management company has been adding fill to the

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area that will be used for staging off of Livingston Road. The CME Championships begin on November 18 and go through the weekend, with the shark shoot out few weeks later. Chairman Garofalo added that after the oil spillage at the bus pick up area last year, a phrase has been inserted in the contract making the company liable for any cleanup that is required.

ADJOURNMENT

With the note that the next meeting would be held on October 16, **the meeting was adjourned at 9:46 a.m. on a MOTION by Gordon Walker and a second by Robert Smith.**