

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
Wednesday, April 19, 2017**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, April 19, 2017 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, Assistant Secretary
Joe Diaz, Assistant Secretary

ALSO PRESENT:

W. Neil Dorrill, Dorrill Management Group, Secretary
Tony Pires, Board Counsel
David Johnson, Johnson Engineering
James Calamari, Access Control

ROLL CALL

The meeting was called to order by Chairman Garofalo, who indicated that all Board members were present, with Mr. Smith participating via speakerphone. **On a MOTION by Gordon Walker and a second by Don Pomerantz, Mr. Smith was unanimously approved to participate via speakerphone due to exceptional circumstances.**

The Chairman noted for those attending that the Public Comment at the beginning of the meeting was for people who wanted to address an item not included on the agenda. At the end of the meeting, all other public comment will be addressed.

PUBLIC COMMENT

Mrs. Jane Carson of Egrets Walk indicated that she was the Secretary of the Board in her community, and they have established a policy whereby their residents are issued a parking

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pass so they are aware of who is in their neighborhood. They are asking the people who come in as guests to display their guest pass. Anyone who comes to Pelican Marsh and is on the permanent guest list does not display their guest passes, and the policy in place indicates that they only have to register for this once every two years. She respectfully requested that this be reviewed, as there are many transients, and it is important that the people who come to Pelican Marsh be identified as being a guest or a contractor, and authorized to be there.

Chairman Garofalo was advised by Mr. Calamari that a permanent guest does receive a pass which indicates how long they will be visiting. Anyone who is a guest should have this pass.

Mr. Calamari indicated that if someone comes to the gate and wants to drive through as it is a public road, they still get the pass so it will be recorded in the system and the license plate will be on file. The only exception to this is the US Postal Service, UPS, and the Fire Department, all the obvious ones that don't need a pass. If a landscape company comes to the District every single day, they are not required to have a pass.

Mr. Calamari also indicated Access Control knows who is on the property at all times, and they know, based on the license plate number, who belongs to what car. He is not confident that the general populace should have access to that type of information for any reason. However, if there is a car parked in an HOA illegally, that HOA must enforce their own policy on their private property. Any car that comes through the gates, however, has their name and license number captured, and can easily be identified by Access Control.

Mr. Pires indicated that under the Public Records Law there is an exemption for security systems, plans and other implementations of security systems. He agreed with Mr. Calamari that this information would be exempt from disclosure to the public.

Mrs. Carson understood that, but noted that many people do not display their guest passes, and a friend's daughter was not given a pass when she entered Pelican Marsh, and she asked if they could be a little more vigilant. She understood the privacy issues, but felt that everyone needed to know who is in their neighborhoods.

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Mr. Calamari noted that they have never had a policy about displaying passes, and they are used to get into the property. He felt they could explore the possibility of telling people that they need to display it on their dashboard. Chairman Garofalo asked Mr. Pires if this could be done, and was advised that it can be requested, but you cannot make someone do that. Once again, this relates to District roads, not private roads in a separate community or condominium. The Chairman indicated that because Pelican Marsh is a public entity, certain things are dictated. As Egrets Walk has handed out resident stickers, if there is a vehicle in that neighborhood that does not have a sticker, perhaps they could call the gate to see if this person was given an access pass.

Mr. Smith felt that this would be the individual HOA problem, and Mr. Pires felt that it goes back to the fact that the public can travel on the District's roads, and they can be requested to display a pass, and unless they are on the guest list, he believed that the protocol is for Access Control to tell them that they can only stay on the District roads. If a call is made to Access Control the question would be are they allowed in a community, and that would be the community's issue.

Chairman Garofalo asked if as a courtesy to the private communities, could Access Control check to see if a particular vehicle came through, and indicate if it did.

If there are one or two people that are continually causing this issue, and they are pointed out and identified, the issue may resolve on its own.

Mrs. Carson clarified that what they are asking is if guests are expected, then the gate is notified who and when. The guest is given a form, and it was her understanding that it is to be displayed in the vehicle. The Chairman clarified what Mr. Pires had said, that no one can be forced to display the pass, but they can be asked to.

(Overtalk)

Mr. Calamari indicated that what the pass does is allow someone who, for instance, is visiting for two weeks. When they leave Pelican Marsh and returns during the day, they can just show

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their pass and go on in. That is the purpose of the pass, but not to be displayed on a window. It is only the size of a business card and is not visible to anyone, and really does not serve that purpose. Chairman Garofalo felt that the issue was that this can be dictated in a private community, but Pelican Marsh is a public community, so a guest cannot be forced to display their pass.

Mr. Calamari pointed out that Bay Colony has its own manned gate, and they issue a piece of paper, and they enforce those rules themselves. Pelican Marsh, however, is unable to do that as the roadway in is public. Mr. Pires reiterated what the protocol was, that a guest is given a map, and are advised they must stay on public roads if they are not on the visitors' list. If they do leave the public roadway, then they will be subject to the rules and regulations of the private community and can be reported for trespassing. Mr. Calamari indicated that they are also told that if they do leave the public roadway, they may be followed by local security or a Sheriff deputy who may take further action as necessary.

Mrs. Carson also related an episode that occurred recently where a resident in Egrets Walk was stopped by gentleman who asked her many questions and was clearly not a resident. She was advised that in a case like that, the Sheriff should be called immediately, as the CDD does not have jurisdiction.

Jeff Randall from Watercrest indicated that he was trying to gather information for the Foundation, as he sits on that Board, to determine whether or not it would be appropriate to add pickle ball as an amenity to the Pelican Marsh community. One of the sites he is looking at is in Tiburon where the sales center used to be, and this is an area that is controlled by the CDD. He asked the Board if they would have any interest in considering pickle ball for this site, and as there are other considerations, this is just a preliminary fact finding exercise, and he will report the results of this location and others back to the Foundation Board.

Chairman Garofalo felt that as an upscale community, he did not know if residents of Tiburon would like having a pickle ball court at their entrance, being used by non-residents as well as

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residents. He suspected that it would not be in their best interests, and he suggested that the Foundation contact the president of the Tiburon HOA to see if he would support it. Robert Smith indicated that he supported the Chairman's opinion. Mr. Randall appreciated the Chairman's concerns, and wanted those present to understand that he was not speaking for the Foundation, but just gathering information, and he thanked the Chairman. Chairman Garofalo indicated that he will not investigate anything for third parties, nor spend the Board's time and money on it, and this issue is strictly between homeowners and the Foundation.

Sandy Mintz from Troon Lakes was advised that the Board of Directors of Seville had been advised by their insurance company to put up signs around their lake indicating that there is no swimming as there are alligators in the lakes. He asked for clarification on ownership of the lakes, easements, and he asked what the Board's position was on this. Chairman Garofalo indicated that he and Mr. Vanover had a discussion with the Seville residents who had made a request for these signs, and the District indicated to Seville that if they wanted to put up signs on their property, it was their choice to do so. However, they were not to put any signs on Pelican Marsh property, or they will be removed. As it relates to the District's easement on the lakes, if they put any signs within ten feet of the lake they will have to move them further away than ten feet, or allow the maintenance crew to drive around it onto private property.

Mr. Pires did not have the updated lake tract maps index with him, and he was not sure if the Seville lake was a District lake or not, and he will double check that. If the CDD does not have an easement or maintenance responsibility to that lake, then they can do what they want. Chairman Garofalo felt that the bottom line is that none of these signs can go up on CDD property.

Mr. Mintz asked hypothetically if an alligator does come up and bite someone within the District's easement, who would be responsible? Mr. Pires responded that the question is whether or not there is liability on the part of any person or entity, and there is Florida case law that talks about when there might be liability on a person or entity when someone is attacked

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by an animal. Mr. Pires recently provided a memo to another district on that issue, on what steps should be taken to provide greater protection from exposure to liability. Nothing is a guarantee, but the placement of signs is one thing, and he reminded those present that when a lawsuit is filed as many people as possible are brought into the lawsuit, and sorted out later. This recently happened at Fiddlers Creek, when many entities were brought into the litigation on a trip and fall injury.

Chairman Garofalo noted that his community had an alligator, and people were advised to call Mr. Vanover immediately if they see it, and he will contact the trapper. Recently two small alligators were caught in Marsh Links and removed. There is a process in place, and if the residents are vigilant, they can be caught. Mr. Vanover indicated that there are many alligators in the community, and more than usual because of the drought, but only one or two trappers who work this area. If he is called, Mr. Vanover calls for the permit and then contacts the trapper. The trapper does not work on weekends or holidays, and they have to know where the alligators are in order to catch them.

APPROVAL OF THE AGENDA

The Agenda was unanimously approved as presented on a MOTION by Robert Smith and a second by Gordon Walker.

APPROVAL OF MINUTES OF MARCH 15, 2017 REGULAR BOARD MEETING

On Page 3, in the ninth line under Financials, the word “advertizing” should be “advertising”.

On Page 4 in the second line, “referred revenue” should be “deferred revenue”, and the amount of money on the next line is \$18,900.

On Page 5 in the second line, the phrase, “through Mr. Robson’s efforts” should be set off by commas.

On Page 8, second paragraph, third line from the bottom, the word “the” should be “they”.

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On Page 10, in the second paragraph, the word “intentional” should read “unintentional”
In the next paragraph, the last line, the words “all available” should be inserted before the word legal.

On Page 11, in the sixth line under the presentation of the audit, “NDA” should be “MD&A”.

On Page 12, in the second line, the cash position amount should be \$100,382.

On Page 13, in the last sentence of the third paragraph, the last part of the sentence should read, “which were not anticipated”.

Additionally on the page, the fifth line from the bottom, the acronym should be GASB as opposed to “GATSBY”.

On Page 14, in the third paragraph from the bottom, the end of the last line should read, “were all basically Tiburon”.

In the second line of the next paragraph, the word “that” should be inserted as follows: “and that the general fund is in compliance”.

With those additions and corrections, the minutes were unanimously approved on a MOTION by Gordon Walker and a second by Don Pomerantz.

FINANCIALS

The Special Revenue Report on the first page showed that during the month of March almost \$90,000 was received in revenues. Year-to-date revenues over the prior year were \$63,000 off, which Mr. Dorrill felt should correct itself next month, as it is probably a timing issue which occurred last year as well.

The balance sheet showed \$2,900,000 is cash, with no due to’s and a handful of due from’s, against \$17,000 in liabilities. The total fund balance was noted as being almost \$30,000,000.

The income statement showed \$47,000 in non ad valorem assessments towards the end of February, with almost \$6,000 in transmitter revenues that came in during the month.

Mr. Smith noticed the difference in interest income, noting the difference in what they had

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received previously, which is better than what was received at Fifth Third, who also charged higher transactional fees. Mr. Dorrill noted that moving to a very conservative, very sound community bank has paid off for the CDD, was almost \$1,500 in interest for the month compared to an originally forecast budget of \$3,000, so in one month half the money was received.

Chairman Garofalo noted that next month they will be submitting the first budget for the new calendar year, and the Board will see that they will be using complete year actuals and complete year budgets with no prorating. They are going to look for trends in the actual spending, and an adjustment up in income will probably be seen, as they are now getting more interest. That budget report will be shown next month.

In terms of the expenses, as the District approaches midyear they are \$100,000 under budget, and there are only two line items that are over budget, legal advertising for filling vacancies in the landscaping and Access Control, there was a small midyear overage on purchased irrigation water from the County, which is a function of a rate increase and a very dry January. Total year-to-date operating expenses are \$102,000 below budget.

Mr. Vanover noted that on the overage on irrigation water, the CDD has received two inches of rain since October 6th, which is over six months. There have also been rate increases of almost 10 percent on the irrigation water and potable water as of October 1, 2016, and he noted that they will definitely be over budget on those two items. Chairman Garofalo added that his water bills have been the highest they have ever been in 18 years due to the lack of water.

On a MOTION by Robert Smith and a second by Don Pomerantz, the Financials were then unanimously accepted as presented.

MANAGER'S REPORT

A. Variance Request

This request from 2556 Escada is consistent with the Board's policy, regarding a pool home with

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a cage with a decorative fence around it. This request is consistent with the type the Board has received in the past, and the homeowner will enter into an agreement which will be reviewed for legal sufficiency by Mr. Pires. Staff is recommending approval.

Mr. Pires indicated that the request would be for this Board to authorize their preparation of a non-disturbance encroachment agreement with similar content that the Board has approved in the past.

Chairman Garofalo indicated that he and Mr. Vanover had been out to the site a couple of times and talked to the owner who has been very cooperative and has done exactly what he has been asked to do. The Chairman felt that the presentation was self explanatory, and he sees no problem with it. He also recommended the Board's approval, based upon Mr. Pires writing the agreement. The owners have agreed to pay Mr. Pires' fees, so once the agreement is prepared and signed and paid for, then it will be approved. Mr. Pires added that the owner will have to provide the necessary documents to attach to the agreement as well.

On a MOTION by Robert Smith and a second by Gordon Walker, the Board unanimously approved the variance request, subject to Mr. Pires' agreement being signed, his work being paid for, and the necessary documents be provided to attach to the agreement.

Mr. Vanover will inform the homeowner that his request is approved pending Mr. Pires' agreement being prepared and signed, and payment received.

B. Tiburon Golf Club Tree Trimming

This item relates to some improper or excessive clearing that had occurred along the east property line. At about the same time, the Golf Club had contacted the Board about the possibility of using the District's parcel for construction access and staging during the upcoming reconstruction of the black course. The club has made some efforts to mitigate the clearing done by individuals who no longer work there, installing approximately 40 Sabal palms and some additional decorative landscaping before the eyesight line. The Chairman, Mr. Diaz

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and Mr. Dorrill have all looked at it, and the general consensus is that their efforts at mitigation were good, but not sufficient. The club at the same time reached the conclusion that they were not willing to do any further landscaping, so apparently there has been no change since this was addressed last month.

In the interim some of the residents met with County Code Enforcement and hearing officers, and they decided to pursue this through a code enforcement action.

Mr. Diaz asked if the enforcement would be against the golf course, and Mr. Dorrill indicated that it would in the event it is felt that there is a case there that the Club violated the PUD condition that required them to have a landscape buffer along the east property line. Chairman Garofalo contacted the golf course manager and told him that he personally thought he had done a good job with the Sabal palms, but certain areas needed more trees, and the manager advised him that he preferred to deal with the Homeowners' Association. At this point Chairman Garofalo will follow the lead of the Tiburon HOA. He suggested that the HOA should not demand something more than is rational, and the Board agreed that they will continue to stand by their decision not to sign any agreement with the golf club as far as allowing them to use CDD property for a staging area until this is settled to the HOA's satisfaction.

Mr. Diaz wanted the Board to be aware that the Club did bring more palm trees, but they have not addressed the buffer that is supposed to be there that was planted by WCI. Chairman Garofalo indicated that he and Mr. Vanover had visited the site and understood the issues, and they will sit back at this point and let the HOA take the lead.

Mr. Dorrill added that it was his understanding that the course closed on Monday and they have started their construction effort. At this point they do not have an agreement with the CDD to use the District's parcel, and have led Mr. Dorrill to believe that they will make alternative arrangements. The mulch has been removed, and Mr. Calamari advised the Board that there were several entities that were using this property as a dumpster. FP&L has an easement and they have been doing a major project and have been using the area and had

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not cleaned it when they left. Upon being called, they had it cleaned within two days. There was a pile of dirt that no one claimed, and Mr. Vanover had staff go out with a backhoe and level the area. There is still a pile of stones there that are palletted and not a problem, but there were also two piles of debris that apparently were left by someone doing some dumping, which Pelican Marsh staff also cleaned. The area looks very good and that issue is resolved.

Diane Powell addressed the Board, thanking all of them for their help and direction to the County staff who helped them obtain relevant documents on this issue. She added that Nancy Diaz and herself have had conversations with many residents throughout Tiburon who are dissatisfied with the demolition of the landscape, and she is representing them all today.

Referring to the March 15 email she received from Mark Strain, it indicated that upon reviewing Tiburon documents, it appeared that there was a 20 foot landscape buffer from the wall, and maybe within the buffer is based on plat language that may be involved with the CDD for maintenance. She noted that this language did not make perfect sense, but added that Mark had discussed with Mr. Pires the plats that indicate where the easement is, and the language for him to review.

Having spoken with Mr. Dorrill the previous day, Mrs. Powell felt she knew what that answer would be, but she did want to have it on the record. Mr. Pires indicated that he had looked at the plat earlier that shows a 20 foot landscape buffer easement. Whether or not the wall is within that location, he indicated he did not know, and that only a survey could tell whether it is on the golf course property, and whether it is on the golf course property encumbered by the easement, or whether it is on CDD property to the east between the golf course trap and Livingston Road.

Chairman Garofalo indicated that he and Mr. Vanover had been out to look at this area, and he felt that the trees and the fence were on the easement, and even though they found a document that said the District is responsible for maintenance, the District has done very little work to even touch those trees for 20 years. Now the golf course is trimming trees that they

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have on their property, even though the CDD has the maintenance right. He did not know if that was a conflict, and suggested you would have to go to court and argue that, but the CDD will continue to maintain the buffer the way they have been for 20 years, which is nothing, unless it violates the law. There were some Brazilian Pepper plants at the northeast corner of that plat, which Mr. Vanover has had removed. Chairman Garofalo added that he is not sure if that document has any validity at this point. Mr. Pires pointed out that it is an existing easement, and that is of record, so it is a valid document.

Mrs. Powell indicated that she had received copies of Ordinance 95-4 from the County Code Office. This Ordinance states that the developer who created the Pelican Marsh Planned Unit Development, which was passed and adopted by the Board of County Commissioners of Collier County on January 24, 1995. She was also sent Ordinance 02-71 where certain sections of the prior ordinance were amended, passed and adopted by the Board of County Commissioners on December 17, 2002. Additionally, Mrs. Powell received Buffer Requirements 4.06.02, referencing Paragraph C, Types of Buffers, where the County cites Type D Buffer, typed in red, as a requirement adjacent to any road right-of-way external to the development, in this case, Livingston Road. Mrs. Powell believes that the buffered area includes both the east side and west side of the fence, and Chairman Garofalo agreed.

Mrs. Powell also has an aerial showing the land prior to development, comprising pine, cypress, Brazilian Pepper and Palmetto trees, all natural and native, and they are all gone. These ordinances provided exhibits, a statement of compliance and project development details. The statement of compliance indicated that Pelican Marsh PUD will be in general compliance with Collier County objectives as set forth in the Growth Management Plan, and where the PUD ordinance and adopted community design guidelines fail to provide development standards, the provisions of the most similar zoning district, section of the Land Development Code shall apply. Mrs. Powell indicated that she raised this issue because Mark Strain, herself, Nancy Diaz and other people from the County have not been able to locate the landscape plan that was

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submitted with WCI's application, which is why she is going back to the fact that they still had to abide by County standards when they were approved. She asked if anyone present had been able to locate a landscape plan.

Chairman Garofalo indicated that he personally would not support spending CDD money to have counsel go back and check the system to look for the plan, feeling that it would be beyond the scope of what the Board should be doing. He added that the buffers that were indicated at that time are probably different from what is expected today, and will be difficult to evaluate for that reason.

Chairman Garofalo indicated that the way he looked at this would be to ask, in a year from now, how can this area look good? He tried to be very specific, and he told the golf club manager exactly where groups of ten Sabal palms should be put, and he would be okay with that from a nonresident point of view. He did feel that somewhere along the line it is going to take specific instructions from the Tiburon HOA as to what they want done. He did not feel going back 20 years to what was done won't accomplish anything, but they should be specific in dealing with the manager of the golf club as to what they want done to make it acceptable.

Mrs. Powell added that Section 2, Item 2.4 states that the developer has established the Pelican Marsh CDD to design, construct, manage and maintain infrastructure and community facilities, not to be inconsistent with the Collier County Growth Management Plan. Item 2.11 sets forth the standards of landscape buffers, berms, fences and walls, and Item D states that fences and walls are an integral part of security, which she felt was very important.

It goes on to say that the landscape buffer should be required adjacent to any road right-of-way external to the development project and adjacent to any primary access road internal to a commercial development. The landscape buffer should be consistent with the provisions of the Collier County Streetscape Master Plan, which is incorporated by reference herein.

Mrs. Powell added that she has copies of these ordinances for the Board if they are interested.

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She also had photographs of Fairways 2 and 3 of the golf course, one year after she and her husband moved in. She showed the Board a picture, taken from her home, of Greg Norman who was there at Shootout 2008, and asked them to notice the size of the trees. She then showed them a picture of what it looked like the previous day. Additionally, she showed a picture of what it looked like from Livingston road into her back yard. Referring to security, she showed another photograph taken from Livingston Road looking back at Serafina. There are now 12 homes that are exposed to Livingstone Road because all of the landscaping is gone. Another picture was taken from the back of the Castillo Condominiums, and there are 11 buildings that are exposed to Livingston Road.

She asked the Board two questions. The first was, going back in time prior to the reconditioning of the golf course, if the golf course management had several meetings with the Pelican Marsh CDD where the scope of work and start date was discussed. She asked if this was right or wrong, and Chairman Garofalo indicated that she was wrong, that the club was a private community and they had no obligation to get the District's approval to do work. Mrs. Powell indicated that she believed the golf course management had an obligation to provide notice to the residents through the presidents of the HOAs in Tiburon regarding the scope of work and the start date. Had this been done, perhaps they would not be facing these issues of security and potential loss of real estate values today.

Mrs. Powell also wanted to let the Board know that she spoke with several Tiburon golf members, who on the promise of anonymity told her that the reason for the demolition of the landscape along Fairways 2 and 3 was to speed up play. Nowhere in the ordinances Mrs. Powell brought with her today does it say that WCI or the developer had the right to remove trees and shrubbery to speed up play.

Chairman Garofalo felt that the realistic view would be where do we go from here, and Mrs. Powell indicated that this is why she was present today, to determine how she should proceed. Chairman Garofalo noted once again that the Board as a third party has tried to negotiate

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with the golf course management as to what would be acceptable to the residents of Tiburon, and they don't want to do that. The Board at this point will not give them the authority to use District property, and if the golf course management does not care about that, it was the only leverage they had. He reiterated that if the HOA can be specific as to what they want done rather than indicate that they want to go back to what the PUD said 20 years ago, as that is too general.

Mrs. Powell felt she should go back to the County Code Department and file a complaint, and the Chairman suggested that they ask the County if they would support the Tiburon residents on this, and have them put it in writing. Although there is nothing else the Chairman felt the Board could do, this means that the golf course will not get any favors from them. Mr. Dorrill added that he attends many meetings, and he complemented Mrs. Powell and her committee, indicating that they were very well informed and make a cogent and fact based presentation. He felt their best recourse would be for either Mrs. Powell or the affected neighborhood or Master Association to register a complaint with the Code Enforcement Department. Mr. Pires had shared in detail with Mr. Dorrill the specifications for what a Type D buffer needs to be, and it talks about specific items and container sizes, and if it appears that it no longer has the right product mix, then there is a case that can be evaluated and brought forward. Otherwise, he agrees with the Chairman, that while the District has a landscape easement, they are not the property owner, but they have the right to maintain that landscaping, which historically was keeping them exotic free. He did not know if there was irrigation on the outside of the wall, he assumed there was not, and to the extent that additional landscaping needs to be installed on the outside of the wall, that may require irrigation as well. He felt that the District remains an interested party, but without land use or regulatory powers related to the County's Land Development Code. He felt that the residents had done a very good job using the information available, and felt that they should continue to run it down.

Mr. Dorrill added that he should have explained that Mrs. Powell had intended to make a

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presentation at their Master HOA annual meeting, but they did not have a quorum and the Master is in the process of trying to reconvene the meeting. Chairman Garofalo echoed Mr. Dorrill's praise, noting that they are doing an outstanding job.

Mrs.. Powell asked if it would more effective if rather than just one or two people filed the complaint, if more should join in, and Mr. Dorrill advised her that a complaint is a complaint, and a single person has the same rights as would the Master HOA. Mr. Pires agreed. The Chairman thought it important that this presentation be made to the Tiburon HOA, as they should understand the whole issue, and see the work that's been done, and be advised that they have an equity in this. Mr. Dorrill again noted that the CDD would to continue to monitor this issue.

C. Replace Motor for Water Pump near Bay Laurel

This item was informational only, advising the Board of a recent failure of one of the water management pump, which was 25 years old. This is a pump that helps recharge conservation areas, and Mr. Dorrill included a picture for the Board. They have not yet received all the proposals to replace the pump, but this is an unbudgeted item, and if money needs to be taken out of the contingency fund, he will come back next month to advise the Board.

One bid has been received for \$8,500 to replace the motor, and Mr. Diaz felt that was a good price. Mr. Pires asked if the pump was required to be operable to be in compliance with the South Florida Water Management District, and would the four to six week delay pose any problems with the permit. Mr. Robson advised that the CDD has the transfer permits, and it includes the conservation areas, and it is responsible for the maintenance thereof. In the Chairman's opinion, with the drought that is going on, the pumps are ineffective in any event, and he felt they needed to replace this pump and show good faith that it is going to be done. Mr. Dorrill noted that they are showing good faith by verifying that the pump had failed and pulling the pump and getting bids to replace it. The Chairman felt that this was normal staff

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business, and it's more information to the Board to say that this has to get done, and the Board must figure out a way to pay for it, which will be done.

Mr. Robson indicated that South Florida Water Management should be updated on this issue, and advised that it is not a detriment to the conservation area, and by the time it is needed, the pump will have been replaced.

D. Renewal of Sheriff's Department Agreement

Mr. Dorrill asked for the Board's approval to enter into this revised law enforcement agreement. There are no material changes to the agreement, which is a contract with the Sheriff's Department for special duty patrols for both residential and traffic enforcement reasons. There is no change in the fees, and the changes made by the Sheriff are minor clarifications in order to update and clarify certain standard provisions. Staff has reviewed the agreement, and are recommending approval.

On a MOTION by Robert Smith and a second by Gordon Walker, the Board unanimously approved the renewal of the agreement with the Sheriff's Department.

ATTORNEY'S REPORT

Mr. Pires had nothing to bring before the Board.

ENGINEER'S REPORT

At Mr. Smith's request, Mr. Robson spent the morning taking a second look at the asphalt on Pelican Marsh Boulevard. He reminded the Board that in 2009 there was the first set of roadway improvements on the west part of Pelican Marsh Boulevard, and at that time they had a discussion about testing the roadway in certain ways, and the decision was made to proceed with the standard mill and pave. No borings were done, and the base was not checked. The roads were not in particularly bad shape, but were old and worn.

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In the startup of the project the milling operation exposed a section west of the bridge back towards US41 originally had been a two lane road that had both east and west traffic on it before it became a divided four lane road. As is typical on a two lane road, it was crowned for drainage purposes. The milling machine started pulling up entire pieces of asphalt and the base of it peeled out because it was so thin. This happened in the center of the road where the crown was.

The decision was made to thicken the pavement and to try to get the minimum three-quarters in the middle and to try to maintain the highway. Chairman Garofalo added that at that time they made the decision to pay the contractor more money to increase the millage of asphalt capping. This is the present strip of failure which is probably about six feet, where right in the middle asphalt has begun to peel up again.

Mr. Robson is going to explore several repair options for that area. Fortunately it is not in the wheel track, but is in the middle, in the seam, so there may be some different options. The work done back in 2009 lasted almost nine years, which is fairly good as that strip was probably three quarters of a mile long with the high hump in it, and the failing piece is only six feet long.

SUPERVISORS' REQUESTS

A. Robert Smith House Sale

Chairman Garofalo asked Mr. Smith if they had a closing date set for the sale of their home, and was advised that it was scheduled for the end of May, and May will probably be his last meeting.

Chairman Garofalo asked Mr. Pires that when a supervisor's home closes before the monthly meeting, if he could still attend in his capacity as a supervisor, and Mr. Pires clarified the question by asking Mr. Smith if he will leave immediately once the house closes. If he closes before the meeting, then he can no longer be a qualified elector as he is no longer residing in the District. Indicators of that are his driver's license, mailing address, voters and vehicle

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registrations and residence, all of which are indicators of a resident and qualified elector.

B. Initial Budget

Chairman Garofalo reminded everyone that the initial budget would be submitted in May, and the format will be slightly different as it will be looking for trends, and staff will be making decisions on the multiple line items based upon the trends of actual expenses.

C. Ventura Wall

Mr. Pomerantz noted that as a member of the Ventura HOA, he wanted the record to reflect the efficacy and excellent handling of the construction of the Ventura wall. It was a very laborious job, and once the CDD got involved with Ventura's construction company, the procedure of preparation and putting up the wall as well as replacing shrubbery was very well handled. The owners have been very pleased with how quickly it went up and was much less **noisy** and obtrusive than they expected.

Chairman Garofalo indicated that he and Mr. Vanover will be walking the fence the following Wednesday and will give final approval to pay Ventura the equivalent of a chain link fence. Mr. Pires indicated that the payment will occur upon Ventura giving the District a bill of sale and all requisite documents, and he will prepare that documentation for the Board.

ADJOURNMENT

With the agreement that the April meeting would be held on the 15th, **the meeting was adjourned at 10:23 a.m. on a MOTION by Robert Smith and a second by Gordon Walker.**