

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT  
BUDGET HEARING AND  
REGULAR BOARD OF SUPERVISORS MEETING  
Wednesday, August 16, 2017**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, August 16, 2017 at 9:00 a.m. at the Pelican Marsh Foundation Building, Naples, Florida.

**APPEARANCES:** Frank Garofalo, Chairman  
Gordon Walker, Vice-Chairman  
Joe Diaz, Assistant Secretary  
Edward Walsh, Assistant Secretary (Via Speakerphone)

**ALSO PRESENT:** W. Neil Dorrill, Secretary, Dorrill Management Group  
David Robson, Johnson Engineering  
Mallory Clancy, Johnson Engineering  
John Vanover, Operations Manager

**ROLL CALL**

Chairman Garofalo noted that Mr. Pomerantz was not present at the meeting, and that Mr. Walsh was participating via speakerphone.

**On a MOTION by Gordon Walker and a second by Joe Diaz, the Board unanimously approved Mr. Walsh's telephonic participation due to exceptional circumstances.**

It was determined that everyone had received a copy of the revised budget, and Mr. Dorrill then opened the Public Hearing for the 2018 General and Debt Service Budgets for the Pelican Marsh CDD. The budgets were previously workshopped, presented and tentatively approved earlier in the summer, and it was noted that there was no increase in the assessment rate or revenues for 2018, and it remains at \$3,429,075. There were some overall adjustments within certain cost centers, which Mr. Dorrill pointed out for the record.

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They included a modest increase in the Administrative cost center of about \$3,000, raising that to \$438,000. Field Management also had a minor increase associated with projected costs with a general wage adjustment of \$2,400. There was a \$13,000 decrease in costs associated with landscaping in recognition of some lapsed salaries in the grounds keeping crew. There was also a modest decrease of \$2,000 in costs associated with the Water Management cost center.

Within the overall budget, the expense side was consistent with previous Board action and the associated assessment for the coming year is \$1,162.88.

Once again, the total budget is \$3,209,575.

Chairman Garofalo noted that this is the exact same budget that was approved the previous May, except that another \$6,000 was shifted into health care from the contingency fund.

Jeff Randall from Watercrest asked if this would be the last year for the assessment against the Watercrest area, and Chairman Garofalo advised him that this assessment was for the operating budget, but he felt that there were two more years left on the Watercrest assessment, and that the 2019 Budget would be the last year for it.

**On a MOTION by Gordon Walker and a second by Edward Walsh, the Public Hearing was closed, and the General and Debt Service Budgets were unanimously adopted by the Board for 2018.**

**On a MOTION by Gordon Walker and a second by Edward Walsh, the Resolution adopting and levying the Debt Service and Maintenance Assessments based on the amounts stated in the resolution was unanimously adopted by the Board.**

**On a MOTION by Joe Diaz and a second by Gordon Walker, the Public Hearing on the Budget was unanimously adjourned.**

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The Regular Monthly Meeting of the Board was then opened, and Mr. Dorrill indicated that three members of the Board were present, with Mr. Walsh participating via speakerphone. Mr. Pires was in Tallahassee that morning, and was not in attendance.

**PUBLIC COMMENT**

Gary Gorran from Watercrest noted that he had expressed his concern at the Foundation meeting the previous week regarding the boring that will take place on the sidewalks, streets and pavers to install the fiber optics, and what will happen if after a period of time the pavers shift due to the soil being moved, as the lines must be installed two feet underground. Mr. Gorran indicated that he had received an email from the chair of the installation contract with Comcast, Mike Cleary, which was forwarded to Chairman Garofalo, but Mr. Gorran did not feel that it covered the question he had asked regarding the procedures for the installation, and what recourse the residents would have if their driveways drop due to the digging. He also noted that the CDD's property could be impacted, and asked if Mr. Robson had any experience with this issue in other communities.

Mr. Gorran also felt that the agreement with Comcast was a residential type of agreement, which was not appropriate for the District, which is not a resident. The Chairman indicated that when the current contract was initiated the District was excluded, as they have premium Comcast service, and Comcast would not provide assistance on premium. The District has to pay for it and get separate service. Chairman Garofalo had written back to the chair of the Comcast installation contract, and asked him if the CDD was involved in this contract, and was advised that Mr. Vanover would be contacted on this issue.

Jeff Randall from Watercrest indicated that he, too, had looked at the contract with Watercrest, and it is his opinion, that he felt should be reviewed by Counsel, that if something happens a year after installation, whether it be sidewalks cracking or pavers, that the homeowner would have to make a claim to Comcast, which in turn would probably submit it to their insurance

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carrier. Mr. Randall suggested that the insurance company would probably negotiate with the homeowner, and he was not sure, based on the language in the contract, that the damage raised by Mr. Gorran would actually be covered under the contract. Chairman Garofalo noted that it was his concern that the process for resident reimbursement would take years, and that there may have to be a class action by Pelican Marsh, as it could involve many residents. Comcast is claiming that since the cable will be two feet underground that this dropping or settling is not going to happen, but the Chairman also expressed concern over what roads or sidewalks were going to be bored, as the CDD is responsible for many sidewalks in the community. He also wondered where Comcast was planning on crossing the roads as there could be liability.

Mr. Vanover noted that he did not know any of the details of the contract, and the only thing the CDD was contacted on was where they wished to have the fiber optic provided. Chairman Garofalo added that Comcast will bring fiber optic service to the gate houses and the main maintenance building. He wanted confirmation that they will not touch the inside of the maintenance building, but his biggest concern was Comcast boring on both community and CDD roads, and he felt it was important to know where and when this would occur.

Jim Carter agreed, and felt that in the current situation with the Foundation, the best contact would be the person who knows the most, Mike Cleary, and as individual homeowners, their contract would be with the Foundation, and not Comcast. He felt that the Foundation would have to be the contact on this, and Chairman Garofalo agreed that they should go through the Foundation on this issue, and hopefully, the Foundation will be a part of the discussion with Comcast with Mr. Cleary as the coordinator. A meeting will be set up with Comcast, and the Chairman felt that the Foundation needed to have a representative at that meeting, so everyone will be working on the same page. He will send a message to Mr. Cleary asking him to set this up.

Garry Gorran reiterated that it is not so much the installation, but what will happen in the

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future, or the long term warranty. Chairman Garofalo agreed that this had to be looked at.

Diane Powell addressed the Board, and thanked them for coming out and visiting Tiburon. She asked Mr. Dorrill if he had received a response to his letter from George Powell from Serafina, and Mr. Dorrill noted that he had gotten it via email late the previous afternoon, and he had not yet had a chance to read it. Mrs. Powell indicated that she had a copy of the email to be included in today's record.

Mrs. Powell went back and checked how much Serafina had expended to correct drainage issues. As of the date of the meeting, the amount was \$150,000 and there was \$8,000 in reserves to finish the work. Part of the problem, however, is that the golf course has been reconfigured, and she asked how much more the Serafina residents should be expected to expend on this problem, as it will continue because of the golf course reconfiguration.

Chairman Garofalo asked Mrs. Powell to summarize what the money was spent on, and was advised that it was lot drainage throughout the community, as well as some on the golf course property. Mrs. Powell indicated that this work was done together with the golf course.

Chairman Garofalo clarified this, indicating that Serafina spent money on the drainage project, but the golf course did not contribute monetarily to it. Mrs. Powell added that most of the piping that was purchased was on Serafina property.

Mr. Powell added that from the 2014 to the 2017 budget years, Serafina has spent over \$150,000 on stormwater issues, primarily in replacing the failed stormwater collection system installed by WCI servicing the individual residential units. As previously noted, there is an additional \$8,000 in the budget for stormwater issues, and part of it was to increase stormwater drainage along the rear of Serafina homes abutting the third and sixth holes.

The Serafina Board did engage a civil engineer to recommend adjustments on both holes, and to work with the Tiburon Golf Course management to get the adjustments done. Several blocked drains were located by the Serafina Board that were opened, and several silted drains were cleared. Some additional drains were added to some collection inverts, and this was all

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coordinated with Tiburon management. Chairman Garofalo asked what Mrs. Powell felt the CDD's involvement should be in this, and Mrs. Powell reminded him that the residents did not realize what the impact of the stormwater runoff would be as they had been in a period of draught for an extended period of time. The problem with the reconfiguration of the golf course only came to light once the rainy season started. As the CDD is responsible for stormwater management throughout Pelican Marsh and Tiburon, Mrs. Powell felt that their help was needed.

Mr. Dorrill advised Mrs. Powell that he meant no disrespect, but that this responsibility is widely misunderstood, and advised that the governmental District is responsible for the primary public drainage facilities and the conveyance of the drainage from lake to lake until it spills out into the canal on Airport Road. In addition to that, there are private streets and drainage facilities on the upstream side of the guard gate that are not the District's responsibility. If there was street flooding along the main boulevard in front of the residences under discussion, that is not disputed, but these affected areas are secondary or private drainage facilities that are not the responsibility of the District.

Mrs. Powell recalled that Mr. Dorrill had noted that the CDD may be involved if there was reconfiguration of the golf course, and Mr. Dorrill explained that the CDD does not have development order powers, but it was his contention that the golf course should have gotten a site improvement plan from the Collier County government to reconstruct the course with whatever additional permits may have been needed. Construction drawings should have been submitted in order to get the site improvement plan approved. If the amount of impervious area or drainage that would affect the public drainage facilities was changed, then the CDD would have the ability to get involved.

Chairman Garofalo added that in the Foundation bylaws, there are sections on private property, including golf courses and homeowner lots that have to be site approved to prevent flooding on these properties.

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While they were discussing these issues, Chairman Garofalo indicated that he wanted to address the ponding issue which is listed under the Manager's Report. He noted that after the hurricanes in 2005/2006, there were a number of areas on the golf course that were low and did not have drainage. Drains were put in to try to remove the water, and a secondary problem arose when mulch was washed down the drains and blocked them. He felt that the drain issue was the responsibility of the golf course primarily, as it is up to them to install drains in low areas and clean out the mulch that will clog them. The residents do have some co-responsibility, and the Chairman added that it was his opinion that when a resident sees a pond behind their home and there is no drain there, that resident should speak to the golf course about it. He felt sure that the golf course would install drains in those areas, as every request he has seen made in this regard was agreed to, and suggested that the residents could help the golf course locate some of these ponding spots. Chairman Garofalo added that the drain behind Mrs. Powell's house had minor clogging with mulch, which could be removed with a shovel within a few minutes.

The other issue noted by Chairman Garofalo was the lake levels, and after all the rain this year, water has been coming over the weir on the Tiburon side since the beginning of June. At this point the water appears to be going down. On the Pelican Marsh side, the damn that Mr. Vanover monitors has been open since the beginning of June as the water levels have been so high. In the 20 years that Pelican Marsh has been in Naples, half of the time the damn was not open, but this year it has been open since June and it has been a fight to get the water low enough to enable the lakes to absorb the water from a tropical storm. The tropical rain the previous week flooded the golf course because the water level was so high. When the ponds get as full as they are now, the water is not going to drain off the golf courses, and will stay there until the water is lowered on the ponds to the draining level.

Mr. Vanover stated for the record that since June first they have had 45 inches of rain in the

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community, where 25 to 30 inches is normal. Mr. Vanover added that when he and the Chairman visited Mrs. Powell's yard, it was the Wednesday following the tropical storm that dumped close to nine inches on the area, and the drain worked very well.

Mrs. Powell showed the Board a picture that was taken of her lot two days after Hurricane Wilma. She then showed a recent picture, noting that the topography is very different, and the ponding is much worse than it was after Wilma. She indicated that this has been the worst ponding they have experienced, which in her opinion was due to the changes the golf course has made. When Chairman Garofalo pointed out that in many areas of Pelican Marsh it is much worse, Mrs. Powell indicated that she can only relate to the last 12 years and what has happened to Serafina, and how much money they have had to spend to get the drainage to work properly. The Chairman asked her to keep in mind that the drainage in her back yard depends upon the level of the ponds in that community. Mrs. Powell noted that it also has to do with the changes made to the topography of the golf course.

Mr. Dorrill indicated that if the golf course has refilled or regraded areas within the course, they should have received a site development or site improvement plan. He can ask the District engineers to verify whether the golf course did in fact submit construction drawings and if they received a site development or improvement plan from the County. Again, the Pelican Marsh CDD does not have the power or the authority to go out and inspect and issue any sort of opinion, but Collier County does. If something has been done that was not according to the submitted plans, then the Board can help the residents express their concerns to the County. Mr. Dorrill will check to see if the County issued in general the required approval for the work that is being done, and if so, if construction drawings were part of that. It can then be determined if they have adhered to the plans.

Mrs. Powell asked the Board once again to please survey to see who owns the berm along Livingston Road. Chairman Garofalo noted that the District engineer did an analysis that he agrees with, that it belongs to the golf course, But the Water Management Report provided to

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the Board by Mrs. Powell indicates that it is between the Tiburon golf course and WCI, and only signed by members of those entities. However, in that 2003 agreement the CDD was designated as the entity to maintain the berm, and if they did not maintain it very well, the responsibility would go back to the Tiburon Golf Course. The Chairman felt that this made it clear that the berm was owned by the golf course. Mrs. Powell did not feel that this was the case, as the District is the grantee for the maintenance. Three individuals at the County agreed with Mrs. Powell and Mrs. Diaz that there needs to be a survey to determine who is responsible to maintain the berm.

Chairman Garofalo indicated that he was not going to discuss this issue again. He did not support a survey, based upon the documents they have. The Chairman added that if another member of the Board wished to head this up and be the coordinator, that would be fine with him. However, he did not wish to discuss this and say the same things over and over again at every meeting.

Mrs. Powell noted that at the last meeting the Chairman indicated that he would entertain a survey, and Chairman Garofalo noted that the document Mrs. Powell just provided to them changed his mind. Mrs. Powell indicated that there has been no document changing the fact that Pelican Marsh is still the grantee, which the Chairman noted was for maintenance only, but it comes from the Tiburon golf course, which is the owner. Mrs. Powell then asked for some direction and guidance, asking what the residents of Serafina are expected to do.

Chairman Garofalo indicated that they needed to know what Serafina's expectations were, and Mrs. Powell read what Serafina wanted to the Board, asking that the Pelican Marsh CDD complete an inquiry of the design, review and approval of the topographical and vegetation changes and stormwater engineering resulting from the golf course reconstruction. The Chairman did not feel that this was the District's responsibility.

Mr. Dorrill stated that they generally allow three minutes for public comment, and it had been thirty minutes. He added that he was curious enough to make sure that the owners of the golf

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course had done what they should have done. Staff will obtain a copy of the approved SDP or SIP and they will do an evaluation of the drainage behind the Powell house and report that at the next meeting. Otherwise, the Board's position is that the Pelican Marsh CDD has never installed or maintained, nor have they had irrigation facilities, within the buffer berm on the east side of the community. The Board does not appear to be interested in trying to improve or construct additional landscaping in that area. The CDD has the right to maintain the landscaping in that area, but it never has.

Chairman Garofalo indicated once again that he would leave that up to the Board, and if anyone on the Board wished to head it up, that would be fine with him. Mr. Dorrill asked Mrs. Powell to provide him with the copies of whatever she wished to have made part of today's meeting record, and the dated photographs showing the topography will also be included.

Jim Carter from Watercrest and a member of the Pelican Marsh Foundation asked who does the arbor work around the Foundation building, and if it is the CDD, there is some major work that needs to be done. If it is not done by the CDD, he asked if the Board could give them some direction on how it can be handled.

Chairman Garofalo indicated that they take care of the grass and the shrubs, and he asked Mr. Vanover what is done for the trees. Mr. Vanover indicated that they have an agreement with the Foundation currently where they cut the grass, fertilize, and do some minor arbor work. He can look at the trees and assess the work with Mr. Carter, and the Chairman indicated that if trimming work can be done in house on a regular basis, that would be fine. However, spending District funds on private property should not be done, and was beyond the scope of the agreement the CDD entered into with the Foundation years ago.

Mr. Carter appreciated what the Chairman said, and indicated that he was simply looking for guidance. He wanted to know what the CDD can do, and if something needs to be done beyond that, he believed it to be in the best interests of the community to hire an arborist to

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do the work, as it has to be done. Chairman Garofalo spoke about the insurance issues connected with tree trimming, and noted that it was important to hire a person who is insured for whatever the height would be on the trees being trimmed.

Mr. Carter and Mr. Vanover will walk the area and discuss what needs to be done and how it should best be handled.

**APPROVAL OF THE AGENDA**

It was recognized that Mr. Walsh was participating in the meeting via speakerphone.

With the addition of Item 5E, Renewal of existing Audit and Insurance Package for 2018, **the Agenda was approved on a MOTION Gordon Walker and a second by Joe Diaz.**

**APPROVAL OF MINUTES OF JULY 19, 2017 REGULAR MEETING**

Mr. Dorrill noted that any place in the minutes where lightning was mention was misspelled and that has been corrected.

On Page 7, in the last line of the first paragraph, the word “then” should be “them”.

On Page 10, the new civil engineer at Johnson Engineering should be corrected to read Mallory Clancy.

Also on Page 10, in the first line under Public Comment, the work “who” should be “which”.

On the fourth line from the bottom, the sentence should end with a period at the word “previously”, and the next sentence should then start with the word “Then”,

On Page 11 in the second paragraph, the starred name was Jim Carter.

**On a MOTION by Gordon Walker and a second by Edward Walsh, the minutes were then unanimously approved as amended.**

**FINANCIALS**

There was no activity noted on the revenue schedule that Mr. Dorrill passed out to the Board.

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Chairman Garofalo noted that at the previous meeting Mr. Gorran had talked about the District being at a negative \$49,000. He went back and checked the numbers and found that way back in the previous November they had missed an entry, and the appropriate page in the book has been updated to indicate a shortage of \$10,775. Last year at the same time the shortage was \$11,900. Mr. Gorran suggested that they may have to adjust the discount in any event, because as values go up the discount will increase as taxes go up.

Mr. Dorrill noted that at the end of June on the balance sheet \$2,047,000 in cash was shown, \$1,250,000 of which was in either the contingency or cash flow reserves. Going into the final quarter of the fiscal year, the District continues to be in a very favorable cash position. Total assets of the District were \$29,400,000 against \$35,000 in payables.

The income statement showed \$35,000 in revenue from non ad valorem assessments which are proceeds from the auction. This amount represented unpaid property tax bills redeemed just prior to or as a result of the auction. The amount received was what was expected for budget purposes, and Mr. Dorrill added that the District was at essentially 100 percent of revenue, taking into account that the tax collector pulls 2 percent off the top, and the discounts taken by some residents early in the year. Total revenues were \$3,300,000 against a budget of \$3,042,000.

In the expense portion of the budget, certain individual cost centers were noted, some of which were positive, such as wages. There were some individual repair items, most notable year-to-date being electrical damage to gate operators and systems, and at the end of June that line item was almost \$12,000 over budget. Total overall operating expenses, however, through eight months are \$115,000 under budget.

Mr. Walker asked about the ad valorem taxes being down by \$124,000 and wondered how it would be made up. Chairman Garofalo advised that the way they are doing it this year is \$124,000 minus the \$114,000 that they adjusted for, making the shortage \$10,000, which agrees with the collections.

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Mr. Gorran noted that the tax sale could have been for some of the commercial properties in the Galleria, and Mr. Dorrill agreed that historically they are the ones that run delinquent or may be in foreclosure, depending upon the economy. Mr. Walker also asked about the payments from Mercato and NDN Water Management, and was advised that those two entities usually pay sometime in September, near the end of the budget year. Mr. Dorrill added that they may have already received those, or they will this month, but they won't be reflected until the August financials.

**On a MOTION by Gordon Walker and a second by Joe Diaz, the Financials were then unanimously accepted by the Board.**

**MANAGER'S REPORT**

**A. Tiburon Fence Relocation Approval**

This item relates to the rear yard fence encroachment approval that Mr. Pires had been waiting for some additional documentation on, and at this point everything appears to be in order, and all fees have been paid. Chairman Garofalo has received the agreement for signature, which he needs the approval of the Board to do. Mr. Garofalo indicated that Mr. Deluca has paid the attorney's fees and Mr. Pires has approved all the documents, and at this point final approval of the Board is needed. Mr. Dorrill indicated that while the encroachment goes into the maintenance easement, the easement itself is of sufficient size that it will not interfere with maintenance activities.

**On a MOTION by Gordon Walker and a second by Joe Diaz, the Board unanimously authorized the Chairman to sign the agreement.**

In response to a question about what the homeowner gains by this agreement, Chairman Garofalo indicated that some of the bigger homes abut the property lines, and they are in need of additional room on the back sides of their lanais. As long as sufficient room is left for the maintenance equipment, the Board will approve it. The resident pays all fees associated

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with the work, including surveying and attorneys' fees.

Chairman Garofalo also noted that there have been two requests in Pelican Marsh that are totally different from those received from Tiburon residents. In Pelican Marsh, the Foundation has a setback rule of ten feet, and the Foundation makes the final decision on waiving that ten foot setback. One is from Bay Laurel, where a homeowner who lives on a preserve wants to waive the setback on the preserve. In this case the CDD does not have an easement. This gentleman is being advised that he will be dealing strictly with the Foundation, and all the CDD can do is advise the Foundation that they have no easement involved in this area and support the Foundation if they waive the setback. To clarify this situation further, the fence that the homeowner is requesting to move back will be on his property, but within the ten foot setback that the Foundation requires.

The second situation is in the Estates, where the homeowner has approximately 15 feet between the property line and the lake, plus an additional ten feet for the setback. This homeowner wants to move into the CDD easement. The CDD feels that the property between the lake and the fence belongs to the golf course. The CDD was going to sit down with the general manager of the Foundation advising them that the Foundation had the final approval to waive the setback, and the CDD can allow the encroachment beyond the setback into the easement. However, the homeowner needs the approval of the golf course to go onto that property. If approval is given by those two entities, then the CDD will then approve it as well. Jim Carter asked on behalf of the Foundation if they needed legal counsel to take a look at this situation. Chairman Garofalo did not think that would be necessary, adding that on the Tiburon side they have accommodated homeowners many times in these situations. He felt that the original intent of the setback was to prevent intrusion onto a neighbor's property, and In this case, the setback is on the preserve easement, which belongs to the District, and the District does not mind.

Chairman Garofalo indicated that both he and Mr. Vanover feel that the Estates resident

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wanted something more than what he was told the District would do for him as far as encroachment on the CDD's easement. Both the Chairman and Mr. Vanover advised this homeowner that they would withdraw their approval if he wanted something more than the CDD could allow.

Item B was addressed earlier under Public Comment.

C. Lightning Damage

A schedule of lightning related events that have impacted certain access control components has been prepared at the Chairman's request. The spread sheet showed what damage has occurred during calendar years 2015, 2016 and up to August first of 2017, by gate. During 2015 and 2016, the highest numbers of problems occurred at the Airport Road Gate, and during 2017, this gate has had 16 failures already which were due to lightning strikes. There were several trees around the gates that were cut down as it was felt they may have attracted the lightning, but several days after that was done the gate was hit again, so there are probably multiple causes for this.

At the bottom of the report it notes that all 110 volts are protected. The failures that occurred were all low voltage or coaxial cable related. Several years ago surge protectors were placed on all the 120 volt lines, so none of those failed; it was all the low voltage or Comcast cables. It was determined that surge protectors are available for coaxial cables, and those were installed before every modem, in hopes of protecting the system. The Board was advised that this problem seems to be primarily in Pelican Bay, as other districts in the area do not appear to have this problem, nor do they have surge protectors. Apparently the building structure where the lightning could strike is built to withstand those strikes. The recommendation from the expert is to install special ground rods that have been found to be successful in preventing these hits on the gates. The electrician will be installing these the following day.

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Additionally, the Board was advised that the gate house at Bay Colony in Pelican Bay has a system installed at their guard house which has prevented the problem. The Board will determine what the cost of this system is, and may decide to have that installed at the 41 gate. In any event, the intention is to minimize the inconvenience for the residents, and if possible, to get it done during this rainy season.

Chairman Garofalo also noted that the 41 gate building looks very good now that 15 trees have been cleared, and he suggested that the trees at the Vanderbilt gate and the Airport gate be removed as well. There are three trees on each side of these two gates, and removing them may minimize lightning strikes as well as making it look much cleaner and better. The cost for the entire job would be roughly \$5,000, which would be covered by the budget. Mr. Dorrill added that in two of the lightning strike cases insurance claims were filed, and when eligible to do so, staff will continue to file those claims.

This work will be done, and no Board action was required.

**D. Job Descriptions for Supervisory Personnel/Benefits**

In anticipation of extending insurance benefits on October first, these descriptions have been kept fairly simple. Chairman Garofalo asked Mr. Walsh, who has expertise in human resources, to look at the document and make any suggestions to them. The Chairman did ask the Board to approve the concept today of providing benefits to a spouse or children to the managerial staff. As it relates to Pelican Marsh, only one manger would be eligible for these benefits as the other two have them via their contract or through their spouse's employment. Documentation provided by the IRS indicates that it is not taxable, but the Chairman wanted to make sure that it is not.

Mr. Dorrill indicated that step one would be to have the Board approve the job descriptions as outlined, and the Chairman indicated that they could be updated should Mr. Walsh make some suggestions to do so. The CDD will pay 100 percent of the premium for either a spouse or

children, at a cost of roughly \$6,000 a year. Mr. Walsh indicated that as soon as he returns he will sit down with Mr. Vanover and go over the descriptions for the Board.

**On a MOTION by Edward Walsh and a second by Joe Diaz, the Board unanimously approved the employee benefit descriptions, subject to Mr. Walsh's suggestions, to be offered in October.**

E. Renewal of 2018 Audit Agreement/Insurance Package

Mr. Dorrill provided the Board members with copies of the agreement, which showed that there was no increase contemplated for the audit in 2018 by the Phillips Accounting firm. As it relates to the insurance package, costs have either gone down or stayed the same, the one exception being a \$4,000 increase for Worker's Compensation that ties directly back to loss experience in the prior year when there were two leg related injuries. The insurance company does an audit, and in some cases money is returned at the end of the year if it is not used. Including all of the eight insurances the District carries, added together there is a 5 percent increase in premium costs, which is consistent with the budget.

**On a MOTION by Gordon Walker and a second by Joe Diaz, the Board unanimously approved both the 2018 Audit Agreement and the Insurance package to be effective October first.**

**ATTORNEY'S REPORT**

There was no attorney's report given.

**ENGINEER'S REPORT**

A. Easement Information

Mr. Robson reported that as it relates to the Bay Laurel request for a waiver near the conservation area, it cannot encroach into the Conservation area. Chairman Garofalo felt that the owner should go to the Foundation on this issue for approval as the District does not have

an easement, and if the Foundation permits it, the Board will agree.

## **SUPERVISORS' REQUESTS**

### **A. Comcast Information**

Mr. Vanover advised the Board that the only involvement he has had with this issue is a call from Diana at the Foundation asking him where the fiber optics needed to be placed for the Board. Chairman Garofalo indicated that he would contact Mike to determine how this will work before the project begins.

## **PUBLIC COMMENT**

Jeff Randall from Watercrest asked if the Airport Gate had been changed as it relates to transponder access, as there has been some discrepancy as to how his transponders were working. Mr. Calamari asked if he had changed his license, which he had not, and Mr. Calamari explained that they were hit by lightning at that gate a few months ago, and they had to put up a new transfer reader which is new technology, and this is what affected Mr. Randall. A secondary issue then occurred at that gate which involved programming, and they put that gate on \*\*\*\* which is why it started working again. As of the previous day the electrical issue was resolved, and now the old transponder is probably not working again.

Chairman Garofalo added that the new reader is an upgrade from the previous one, and will not work on transponders that are older than five or six years. This is why several people are having trouble at the Airport gate, which has an upgraded reader. If there is a failure and the reader goes out at the other two gates, they will also get upgraded readers, and the older transponders won't work at those gates either. Mr. Calamari explained that as the contractor upgrades the technology for the actual transponder, they also upgrade the readers to match it. Sometimes they will make them "backwards" compatible and sometimes they won't.

Mr. Gorran asked if it would be appropriate for the CDD to send out a blast email advising

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the residents that they may have problems at the Airport Gate because of the new technology, and if their transponder is older they are going to have issues. (Overtalk)

Chairman Garofalo asked if it was possible to write a half-page email clear enough for everyone to understand, and Mr. Calamari advised that he could do that. Mr. Gorran felt that it would be possible as well, and Mr. Dorrill agreed.

Mrs. Powell then asked who would be responsible to pay for a new one if someone's transponder did not work, and Mr. Calamari indicated that if someone's transponder was more than one year old, the homeowner was required to buy a new one. If your technology is obsolete, you are then required to buy the new technology if you have had the transponder for over a year.

Mr. Calamari noted that the Sharp Shootout event was not on the agenda, and Mr. Dorrill indicated that he had not seen anything on it. It is to occur in December, and nothing has changed on the contract. The Chairman indicated that it can be addressed at the September meeting.

**ADJOURNMENT**

The September meeting will be held on the 20<sup>th</sup>, **and on a MOTION by Gordon Walker and a second by Edward Walsh, the meeting was adjourned at 1:25 p.m.**