

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
Wednesday, October 18, 2017**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, October 18, 2017 at 9:00 a.m. at the Pelican Marsh Foundation Building, Naples, Florida.

APPEARANCES:

Frank Garofalo, Chairman
Gordon Walker, Vice-Chairman
Don Pomerantz, Treasurer
Joe Diaz, Assistant Secretary
Edward Walsh, Assistant Secretary

ALSO PRESENT:

W. Neil Dorrill, Secretary, Dorrill Management Group
David Robson, Johnson Engineering
Tony Pires, Counsel for the Board
John Vanover, Operations Manager
James Calamari, Access Control

ROLL CALL

Chairman Garofalo noted that all of the Board members were in attendance.

Public Comment

Mr. Thad Whiting from Arielle addressed the Board on behalf of himself and his wife, noting that he was looking for a solution to a particular situation. They are the original owners of a second floor condo which they purchased in 1999. It is located between Arielle Drive and Airport Pulling Road. Their lanai faces east, towards Airport Pulling Road, and the wall there is stepped and their view is of the roadway. Some sea grapes were put in recently to try to block some of that view, but it is still visible. He has not contacted any other owners to see if they have this problem. Airport Road is now five lanes wide with three lanes northbound, and the traffic has increased.

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When they purchased their condominium they were advised that a wall was going to be put up to block the view, and when they returned from their home in Ohio the wall was built with some steps in it and Airport Pulling Road was still visible. They were then advised that landscaping would take care of that, but that the wall problem could not be corrected. In 2013 the Whitingers enclosed their lanai with glass windows at great expense, which has eliminated 90 to 95 percent of all of the noise. Mr. Whiting enclosed a picture of their lanai and the wall and how it sits and what the step effect does to their view.

(Some portions inaudible.)

Chairman Garofalo indicated that the County has a fixed height requirement, and with the berm doing what was demonstrated in the picture, you can't have a six foot fence as there would be big gaps. It is a common thing at Pelican Marsh for the fences to have steps in them because of the original design of the berm.

As far as the view is concerned, he will meet with Mr. Vanover on Friday and walk the perimeter and see what can be done as far as the visuals and what plantings are necessary. They will probably customize a tree that would be best suited, as no one tree will fix all the problems. They cannot change the berm, but they will do what they can to help Mr. and Mrs. Whiting. They will have to get the fence repaired and the debris taken out of the area before they can do anything else.

Jim Carter from Watercrest thanked the Board and staff, led by Mr. Dorrill and Mr. Vanover, for the outstanding job they have done in cleaning up the community after the storm. He noted that the entrance at Airport Road took a tremendous hit, as did the residents along there. He appreciated the fact that staff has been doing their best on cleaning up and removing debris; nevertheless there is a major need for restoration in that area. His community of Watercrest will do anything they can to assist in expediting the process, and he is sure that many other communities feel the same way. Whatever affects one area of the community affects the others, as well as all property values. The Board was thanked again and Mr. Carter noted that

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they were looking forward to working with the Board on the restoration of Pelican Marsh, and he did realize that everything cannot be put back to how it once was.

Chairman Garofalo noted that money was not the issue, and he and Mr. Vanover are walking the perimeters and making arrangements to do what they can to have fences replaced and fixed and debris cleaned away. He realized that they cannot make everyone happy, but they will work with people to get trees in place, although it will take some time until they get to that point.

Roy *** indicated that there is a black fence at *** that has sections down, and no one is aware of who owns it. He asked the Board if they could determine ownership of the fence so it can be repaired.

He also noted that the berm behind him is eroding from the storm, and eventually the whole thing will come down on them. Additionally, there is a great deal of debris located on the banks of their buildings 9, 10 and 11 that came down from the berm, and he asked if Mr. Vanover could send some of the employees over to clean that up. There are broken sprinkler heads that water is accumulating around, and there is debris on the roof of 908 which he cannot remove. Mr. Dorrill indicated that unfortunately they are not going to clean or maintain private property, as with all the cleanup required, he cannot clean private property as well. Chairman Garofalo indicated that he and Mr. Vanover would look at the fence in question and determine ownership with Mr. Robson's help.

APPROVAL OF THE AGENDA

With the addition of Item 5H, Reconsideration of Tiburon flagpole, which Mr. Vanover indicated the Board agreed to be responsible for maintaining if the Tiburon HOA paid for its installation, **the Agenda was unanimously approved on a MOTION by Edward Walsh and a second by Gordon Walker.**

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APPROVAL OF MINUTES OF SEPTEMBER REGULAR BOARD MEETING

On Page 3 in the fourth line from the bottom, the word “irrigation” should be inserted before the word “delays”.

On Page 4, the Motion Maker was Edward Walsh.

On Page 5, in the fifth line of the second paragraph, “Livingstone” should be “Livingston”. Additionally in the sixth line of that paragraph, the second word should be “estimates”.

On Page 8, the gentleman’s name in the second line is Colin Appleton.

Additionally on that page, the starred name of Susan Roda was correctly spelled.

On Page 9, the starred name in the eighth line from the bottom was Pete Koeniq.

On Page 10, the second motion maker was Don Pomerantz.

Additionally on that page under Item D, the second sentence should read, “There had been discussions with the Tiburon Golf Course Club management ...”.

On Page 12, the starred name at the top of the page was Mrs. Roda, and the starred name on the fourth line from the bottom was Edward Walsh.

On Page 13, on the second and third lines, after the word “issues”, the sentence should read, “...and Mr. Pires had discussed these types of restrictions in the past with bond counsel”.

On Page 14, the heading under H should read “The Shark Shootout”, and in the second to last line at the bottom, “4K” race should be changed to “5K”.

On Page 15, in the third line under Public Comment, the woman’s full name is Diana ***Cleater.

With those corrections and additions, the Minutes were then unanimously approved on a MOTION by Gordon Walker and a second by Edward Walsh.

FINANCIALS

The eleventh month financials ending August 2017 showed a cash position on the balance sheet of \$1,631,000 against \$43,000 in payables. The contingency portion of that was \$400,000.

Chairman Garofalo suggested that the line item for deposits on the encroachment agreements

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may be something they should reimburse to the residents involved as they probably were not going to be needed. Mr. Pires indicated that this would be a Board decision, but there had not been any issues to his knowledge. Mr. Dorrill indicated that this item had been on the books for five to six years, and was set up to cover any maintenance issues that arose in the rear yards of certain homes in Tiburon, and agreed that there had not been any issues.

Mr. Pires felt that besides memorializing it by a motion in the record, there is a document of record which talks about the District receiving this money. If anyone ever went back and questioned where the money had gone, the Board should have it clearly documented that they decided to return it to the residents involved.

Mr. Walsh asked who was to receive the money, and it was explained to him that those residents who were granted the encroachment paid a deposit for possible maintenance issues in the future. Mr. Pires suggested that if any of these residents sold their property, would this issue be accounted for in their transaction if it was still being held by the Board. He agreed that it should be given back to the person who paid it if the Board wanted to do that. He felt that the Board could make the decision based on their experience to date, that there have not been any issues. To those agreements where a deposit was received, those deposits will be returned, but every time someone comes to this Board with this request, the Board can make an ad hoc decision to require a deposit.

Mr. Gorran from Watercrest stated that the small deposit received from these homeowners was to cover any issues that might arise without having to go to the homeowner for reimbursement. He added that leaving it on the balance sheet with a record of who it belongs to was an inconsequential item. There is no guarantee that there won't be any issues with a new homeowner, and he felt that the time and effort to change the document was not worth the result of getting a small item off the balance sheet. He was not sure if the Board had a policy for this particular issue, but he did not think it was appropriate to return the money and have no contingency for future Boards or homeowners.

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Chairman Garofalo felt it was a waste of time having this money, because it is a question of the balance sheet, and he, Mr. Vanover, Mr. Robson and Mr. Pires went over it in great detail, and felt very confident that it was not a big issue. They won't approve an encroachment unless they are 100 percent sure that there is not going to be an issue, and if there is any question at all, it is not approved. He personally did not feel that it should be on the books, and felt that it was the wrong way to handle it.

Mr. Walsh asked if they get another resident from Tiburon who wants to extend his fence down to the water, will they ask for the \$1,000 deposit. The Chairman indicated that his position was no, they would not, and Mr. Walsh then noted that in that case the money should be given back. The real issue then was is the Board going to continue with the deposit policy. If the answer is no, then the money should be given back. Mr. Walker felt it would be good to simplify things and return the money.

Mr. Pires suggested that if a letter was written with the refund when it was sent to the residents, that would provide the appropriate paper trail for the Board's decision. He added that if the Board wished to act on this, it is now an action item that was not on the agenda, and should be opened to the floor for any comments the public may have.

This item was added to the Agenda as Item I, and it was agreed that it would be discussed further under the Manager's Report.

Continuing with the financials and the balance of the highlights on the income statement, a minor amount of ad valorem income was received as proceeds from the certificate sale. Final year-to-date revenues were 96.5 percent, the difference being the amount of early discounts taken. The discounts are budgeted as an offset under miscellaneous charges. \$114,000 was projected this year for those early discounts, and the actual amount was \$123,000. Mr. Dorrill felt that with a budget of \$3.5 million, being off by only \$9,000 was not a bad amount.

Total year-to-date revenues through the 11 months were \$3,369,000. Mr. Dorrill added that looking across all the cost centers, every one on the expense side was under budget, and the

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total year-to-date for all the operating expenses was \$156,000 under budget on the expense side. This will change when the preliminary year-end statements are shown the following month as many expenses were incurred for overtime for obvious reasons.

Chairman Garofalo commented that on the last page of the financial report, below the recap that Mr. Dorrill was discussing, he will have staff put in the hurricane expenses, and then match that amount with revenue so the balance is zero. That amount will be deducted from the \$400,000 on the balance sheet for this contingency. As the hurricane expenses number goes up, the balance sheet amount will go down. The Chairman added that he would like to put a third line there for what the FEMA revenue collections are. The expenses minus FEMA reimbursements amount will be what is taken off of the balance sheet contingency. That way they can track expenses and reimbursements. This will be discussed further at the next staff meeting.

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

MANAGER'S REPORT

A., C. Hurricane Recovery Update/Hurricane Preparation Update

Mr. Dorrill noted that some minor revisions had been done on the first level critique following the storm. Heavy construction work is still underway at the perimeter, and an outside contractor came in on the Tiburon side ten days previously to work to save the Black Olive trees, which are doing very well. All of them were blown down, and all of them are now upright and Mr. Dorrill anticipates that they will all make it.

Work on the perimeter berms, which were among the hardest hit areas, was being done, and the Tiburon berm and buffer on Vanderbilt Beach Road had extensive damage and the heavy equipment is removing that debris. Airport Road is also being worked on. The Goodlette Road

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work that is being done by a different contractor is being paid for by the Bay Colony Golf Course. No work has yet been done along US 41, with the exception of some minima, initial clearing work.

During the month of September over 9,000 cubic yards of debris was removed by the District's principal contractor, and then taken to the FPL easement at Vanderbilt and Livingston Road. It has yet to be determined if the County will remove that debris, but the County is so overloaded with work that if the debris had not been removed from Pelican Marsh it would have been several months before the County got to it. Mr. Dorrill's contention with the County is that this is material that came from public road rights-of-way, which they would have been responsible to pick up, and they have been helped by having it staged at a single location. In the event that FEMA does not authorize that pickup, proposals are being solicited for a big grinder to come in and chip it on site, and probably spread it to the north in that easement. There is quite a bit of material still to be removed in Pelican Marsh, and a lot left to do. In the month of September, \$122,000 was spent with the main contractor, and Mr. Dorrill anticipates that they will spend the entire contingency before it is over.

Mr. Dorrill hopes that they will receive .90 cents on the dollar from FEMA, as it has been a decade since Pelican Marsh submitted an application to them. Mr. Vanover and the senior accountant will participate the following day on a conference call with a State emergency management official who is their conduit between FEMA, and they will have more details on this next month.

Chairman Garofalo noted that the \$122,000 spent in September was with one contractor, Allen Construction, and they have done a fantastic job for the District. Gator Landscaping has also done a terrific job with landscaping, and another contractor has done a great job with the trees. He felt that staff had done an excellent job in getting good contractors in as quickly as they did. The Chairman agreed that they will spend the entire \$400,000, but they also have \$850,000 on the balance sheet as emergency money, plus any refunds received from FEMA can be used also.

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He reiterated that money is not the issue, but they will take this recovery in steps and do what they have to do to get it done.

Mr. Vanover indicated that Mr. Dorrill had done a very good job lining the contractors up, and some other things they are working on are removing all the dead branches still in the trees throughout the community with a lift, as well as continuing to work on the irrigation systems. They are also in the process of repairing street lights, and there is still some concrete work left to do. There were three places that needed asphalt repair and that was done the previous day. Mr. Vanover estimated that it will take another three to four weeks with the contractors on the perimeters. There is a heavy sweep going on presently to remove all of that debris, and once that is completed, fence repair, grading, irrigation and mulching can take place.

Chairman Garofalo noted three areas needing work. Inside Pelican Marsh, the damage to **** between the sidewalk and the street was tremendous, and will be done by in-house crews.

Once the trees come out fences will need to be repaired, and long term plans for tree replacement will have to be determined. Additionally they will have to begin the mulching at the staging area as more debris from the perimeter will have to be placed there.

Mr. Vanover added that the LPGA Tournament will be held at Tiburon in the near future, so they will be pushing in that area to get as much of the clean up done as possible. Chairman Garofalo felt that the majority of the work at Pelican Marsh will be done by Thanksgiving.

Susan Roda thanked Mr. Vanover and Mr. Dorrill for all their efforts. She expressed her thanks for the crews who came in and got the Black Olive trees back in the ground and standing, as their recovery has been remarkable. She asked what will be done along the canal in front, and wondered if there was any way to restore that area. Mr. Vanover advised that this area will be looked at next. South Florida Water Management did come in with big machinery to remove the trees and debris that were in the canal. They handled the majority of it, and Mr. Vanover indicated that they will still try to stand some of the trees up. Everything that can be saved they are working to do just that.

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Chairman Garofalo also noted that Mr. Vanover has been working with the sign contractor to get the Ritz Carlton, Tiburon and other signs rebuilt and put up at the northeast corner of Livingston and Airport Roads. The contractor felt fairly sure that once the debris is cleared away, they signs should be 100 percent re-buildable.

(Inaudible question from a resident.) Chairman Garofalo indicated that there are a few indications that a tree is savable, but they will pull as many as possible back up and hope for the best. It may be six months before they know whether any particular tree will make it, and Mr. Vanover added that when you do stand it up at least a third of it has to be removed, which does help the tree.

Joe Sparks from Grand Isle noted that his subdivision is directly behind Mercato, and there was a significant loss of tress that acted as a buffer between these two developments. He asked if Mr. Vanover could briefly comment on what the intent is for this area, as 20 to 30 percent of the trees there snapped off. Chairman Garofalo felt that this was one of the hardest hit areas in the District, but they will go in and determine what is needed and what trees can be saved once the contractors have cleaned the area out. Mr. Sparks added that everyone at Grand Isle is trying to be patient, but as he does attend the majority of the meetings, they did ask him to check on this for them.

The Chairman understood, and indicated that the entire community is faced with similar problems, be it Tiburon or Pelican Marsh, and advised that they will probably be customizing what trees will go where, based upon a particular situation.

Mr. Sparks added that they have a high berm with a wall on it and a lake, so it limits access to the area. He noted that Mr. Vanover had been very helpful in answering some of his questions. Mr. Dorrill indicated that they had combined Items A and C as they related to hurricane issues, and he asked Mr. Vanover if he had anything further to add as it relates to these two items. Mr. Vanover noted that he did file a FEMA claim, and is waiting for the representative to call him. He took over 100 pictures of the damage, and they continue to take pictures of the

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stages they are going through.

Chairman Garofalo also noted that they had developed a paper on what they do before a hurricane and what they do after it, and he is trying to capture everything that has been done. As this is probably the worst case they will ever face, it may seem like overkill, but it will provide information on everything that has needed to be done. (A few inaudible comments were made.)

Joe Carter from Watercrest asked if some sort of story board could be created and put up in the community center, as he was not sure if a lot of people appreciated what happened and where the District is today. It can depict the past, what it looked like after the storm, and what direction they are taking today. Chairman Garofalo indicated that when he started working on the paper, there was some question as to whether there was too much detail, but if it happens again, he would want the entire staff to be aware of all of the options, and for the community to be aware of what is involved. He added that what he is working on now is simply a draft, and there will be revisions. He would like to have the Board comment on it, and within the next few months as they gain more experience, it can be updated. He liked Mr. Carter's idea, and would like to have people know what happened and what was involved with clean up and rebuilding.

Mr. Walsh indicated that there have been discussions in his community, talking to the homeowners about how new plantings won't take place until the spring. He felt that some of the residents may have time expectations that cannot be met as this entire project is going to take a long time to get through. Mr. Vanover agreed, reminding those present that they are still doing the initial cleanup on the area, while still doing seasonal preparations, which includes mulching, fertilizer, and flowers. It will probably be spring before anything goes back into the ground.

Mr. Walsh felt that since this is the case, perhaps once the plan for the months ahead is put together, an open meeting for all residents could be held advising them of the timeline for

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the progression of cleanup, replanting and repair.

Chairman Garofalo did not think that the fences would be fixed for another three to four months, and he also agreed that the major plantings would not be done until the spring rainy season.

Mr. Walsh noted that since so many of the neighborhoods would not see plantings until early spring, that it should be an educational endeavor to get back to the residents so they can adjust any expectations they have that are different. Chairman Garofalo then advised those present that they should be ready to wait up to a year before plantings are done, and hopefully at that point they will know what is needed and where it is needed. It is important to wait until the rainy season, as they will never be able to irrigate all the new trees going in. It is a massive job ahead, and he reminded everyone that for the next two or three months they will be working on repair and recovery.

Gary *** from the Gables noted that they do not have an association, and there are three areas that do not. Chairman Garofalo indicated that the Foundation covers them. This gentleman indicated that the CDD is well run and managed, and he believed well financed, but he suggested that some indication from the Board as to where their financial situation is, and an overview of the future plans would be very helpful.

Chairman Garofalo felt it was premature to talk about finances, as at this point they can only get estimates, and felt that at least another month is needed before they get a good handle on everything. As they run two months behind on the financials, at next month's November meeting they will be reporting on what happened in September. The Chairman added that at this point they really don't know what all the costs are going to be, and he looks forward to walking the perimeters and seeing the fences that are down and the other damage, which he thinks will give him a better idea of what the District is facing.

Gary *** reiterated that a broadcast from the Board in the form of an update which could lead into projections was needed, so the owners will know that progress is being made and what

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they can expect. The Chairman advised that there was an article coming out the following week that he wrote which focuses on the post hurricane situation, and gives a big overview as to what is being done and what the time frames look like. He added that his experience with Email blasts is poor, and only a small percentage of the residents read them. These costs include Tiburon and Pelican Marsh, and at this point, the numbers are hard to determine, and putting any number out there will raise questions that the Board may or may not be able to answer. Chairman Garofalo asked those present to wait and see what information the newsletter brings to the residents the following week.

They are continuing to work on what will be submitted to FEMA, and Mr. Vanover felt that they will get some of their in-house expenses back, as they did when Hurricane Wilma came through, but the Chairman suggested that they wait until they get feedback on this.

Bill *** from Ventura suggested that people be advised that there is money to pay for it, as they are worried about a special assessment. Chairman Garofalo was not comfortable saying that, and will not provide any financial information until there are facts to substantiate it, and hoped that they would be better prepared in November to talk about how much money was going to be spent.

Mr. Pomerantz noted that the Chairman keeps noting that money is not an issue, but the existing anxiety in the community is more of a gut reaction than a concern about funds, and what the Board is broaching here is a letter of information that should go out to the presidents of all the associations indicating that the situation is and will be handled, and the money will be handled as well, to put to rest the fabricated ideas and fears. Mr. Pomerantz indicated that the Chairman could be a unifying factor by laying out the goals for Pelican Marsh, while asking for their patience. The Chairman indicated that he would welcome someone drafting a letter to the residents, which he will review with Mr. Dorrill and Mr. Vanover to assure its accuracy.

Mr. Pires noted that the Sunshine Laws would come into play if a Board member wrote it and the Chairman revised it, so that can't be done. Mr. Walsh felt that the Board should wait until

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more information is available, but felt it would be more effective as an open meeting. The Chairman indicated that he liked that idea, and suggested that a town meeting be scheduled after the November Board meeting when they will have better information to present and to answer questions.

Mr. Dorrill will help develop some ideas on this and bring them to the board at the November meeting.

B. Lightning Damage Protection Project Update

This project is at substantial completion, with only the Washingtonian Palms at Vanderbilt Beach Road yet to be taken down. Chairman Garofalo briefly spoke about the record expenses for June and July for lightning strike damage. A prevention plan was created that involved taking down the Washingtonian Palms at the gates, putting surge protectors on all the lines, and installing a lightning resistant system on all the buildings. Once the trees come down at the Vanderbilt gate the plan will be complete, and will minimize the amount of time that the gates are down.

C. The Shark Shootout Limited Approval

This item relates to the authorization for the license agreement for the upcoming Shark Shootout golf tournament. Staff has explained to the tournament director that the parking lot area will be unavailable this year due to the fact that it is being used for debris. The director has revised the request to enter into a license agreement to conduct, on Saturday, December 9th, the annual 5K charitable event, the proceeds from which will go to Children's Cancer research.

Staff is recommending approval for the standard license agreement, **and on a MOTION by Edward Walsh and a second by Don Pomerantz, the Chairman was authorized to sign the revised license agreement for use of the boulevard on December 9th for the 5K run on a**

unanimous vote of the Board.

E. Employee Health Insurance

This item related to the renewal of the Group Health insurance, and staff's recommendation was attached to the information. The renewal in the existing plan would have resulted in an 11.5 percent increase in the premium. Given everything else the District is dealing with at the moment they could not recommend this, but the most comparable plan to what the District has had in 2017 does have some reduced benefits, but would result in a 4.4 percent decrease in premiums.

Additionally Mr. Dorrill had a presentation from their plan administrator on a new concept called Teledoc where an insured can speak over the phone or with a computer, with multiple languages available, that also would extend to the spouse and minor children. Additional information on this was attached, and Mr. Dorrill asked for authorization to explore this further. The cost would be \$45 per employee per month, or \$8,400 a year. Mr. Dorrill recommended that the Board adopt the plan summaries presented to them, one for management and one for non-management. These are Plans 15105 and 15355 for those two groups at a combined monthly premium of \$11,716.

Mr. Walsh indicated that his experience with the Teledoc programs is that it takes a long time to get people to utilize it, as it requires a significant behavior change. Mr. Dorrill was not asking approval for this today, but indicated that he only wanted to be able to explore it further. They have a bi-lingual plan administrator who will come out to explain it to the work force, at which point they can gauge their interest in it.

Mr. Walsh asked if a six month test of the program could be offered as it is something new, and Mr. Dorrill indicated that he would inquire about that. Chairman Garofalo asked if it can be restricted to families, as there are many single people on the work force. Mr. Dorrill will do the research on this. He noted in any event that at this point they only had one child on their group

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plan, which is being purchased separately. The District presently does not pay for dependent children, but Mr. Dorrill will check to see what the interest is on this type of plan within the work force.

As it relates to the new plan for the employees, Mr. Walsh indicated that the result of it would be a 16 percent cost change. The old plan would involve an 11.5 percent increase, while this new plan cuts the costs by 4.5 percent, which is a 16 percent differential, and it hits just about every major area of the benefit coverage. The benefits of every employee will be cut, and some of those cuts are significant, such as the co-pay, which goes from \$20 to \$40. Specialty physicians' costs will go up, as will generic drug costs, and the deductible goes from \$1,500 to \$2,500. This is a huge cut for the employees.

Mr. Dorrill indicated that the increase translates into \$24,000 if they stay with the old plan. Mr. Walsh indicated that he is going to support this as it is what management recommends, but he wanted the Board to know that the employees will take a hit with this. Mr. Dorrill noted that there is still a wellness benefit with this plan, which means that everyone gets a free yearly physical. Mr. Vanover indicated that his fear, and Mr. Dorrill's fear, is that if the rates get too high, the Board could say that they don't want to pay for insurance anymore, so he would rather keep the high co-pay and keep the costs lower and have the Board pay 100 percent of the premium for the employees.

Mr. Gorran from Watercrest suggested that the plan can be adjusted based on what the employer is willing to pay, and if \$24,000 is too much, what number would the Board be comfortable with. If they can support a \$12,000 increase, then they should investigate what type of plan can be provided for that amount. Mr. Walsh indicated that it does not work that way, and the District must buy an already existing plan.

Mr. Jerry *** from the Gables noted that they went through something similar with their company, and noted that the deductible is the biggest hit noted. What they did was

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underwrite the deductible amount and kept it at \$1,500 for their employees, and found that they came out ahead by doing that.

Mr. Dorrill noted that quite a bit of research went into this issue, and two other carriers were priced, Aetna and United Health Care. Mr. Vanover noted again that it keeps the prices to the point where they are affordable for the District to pay.

A MOTION was then made by Edward Walsh and seconded by Gordon Walker to approve the plan recommended by Staff, and unanimously approved by the Board.

F. Chemical and Mulch Bids

This item deals with the award of the bi-annual fertilizer, chemical and associated materials list, and Mr. Vanover provided a cover sheet indicating that essentially fertilizer and chemical costs have come down as much of it tied to the cost of petroleum. Mulch and pine straw costs have remained the same. The lowest and most responsive bidders for this material were provided on the sheet to the Board, **and on a MOTION by Gordon Walker and a second by Joe Diaz, the chemical and mulch bids as noted by the report were unanimously approved by the Board.**

G. Water and Wastewater Service Bids

The rate increase was just received for irrigation quality water and the rates were actually less than had been forecast at 2.9 percent. This increase is across the Board, and everyone is receiving the same rate increase.

H. Reconsideration of Community Flag at the Tiburon Entrance

This consideration actually began around Easter of 2016, almost a year and a half ago when the Master Association at Tiburon discussed having a flag pole at the former sales center site. The discussion at that time was that if they would purchase a higher quality flagpole similar to the ones at the operations building, that the CDD would operate, maintain and replace the flag.

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Apparently there is some willingness to reconsider this, and Mr. Dorrill was asked by the president of their Master Association to have it on today's agenda to reaffirm that the CDD will maintain the flag and flagpole on District property at the site of the former sales center, which was essentially the verbal agreement.

Chairman Garofalo's memory was that it was to be placed on the east end of the median, and Mr. Vanover indicated that he had met with the Master's president and they had looked at two areas, one being as the Chairman indicated, and the other one was on the west end of that same median behind the signage coming in. He will revisit this, and Mr. Dorrill indicated that they can work out the details, but the question was if the Board was still willing to do it.

Chairman Garofalo clarified the conditions, noting that Tiburon would purchase the flagpole and flag and have it installed, and the only thing for the CDD to do would be to maintain it. He asked what would be involved in that, and Mr. Dorrill indicated that they would maintain and operate it the way they do with their current flagpole, and that there is power in that area. The Board agreed that they were still willing to do what was agreed to a year and a half previously.

I. Discontinuation and Reimbursement of Deposits for Rear Yard Encroachments

The Chairman suggested that they vote on whether they wanted to discontinue this policy as discussed earlier, **and on a MOTION by Edward Walsh and a second by Gordon Walker the Board unanimously agreed to discontinue the policy of charging a fee of \$1,000 to homeowners for entering into the encroachment agreement.**

Audience comments were then asked for, and Sandy Mintz indicated that he thought it was a good idea. There being no other comments, **the Motion passed unanimously.**

On a MOTION by Gordon Walker and a second by Don Pomerantz, the Board then authorized staff to ascertain the current owners of the property, and if they are the same owners that entered into the agreement, then to return the \$1,000 to them. If it is a different owner,

then how it was handled in the real estate transaction will be determined and the money returned to the appropriate person.

Chairman Garofalo asked if a letter should be sent with the check explaining the actions of the Board and the discontinuation of the policy. Mr. Dorrill indicated that it would, and that they would do their best to determine the owner of the properties and if any of them had changed hands. The deposit will then be returned to the appropriate person.

The Motion then passes unanimously.

ATTORNEY'S REPORT

A. Livingston Road Berm Maintenance Agreement

Mr. Pires worked with Mr. Robson and retrieved some files from storage and he has some additional work to do on this, and will then report back to the Board. Mr. Robson is also going into his archives as Mr. Tilton was the engineer who handled it. This item will be put on the agenda for the following month. Mr. Robson indicated that the paperwork was from back in 2003, and Mr. Pires will provide the information to Mr. Dorrill, Mr. Vanover and the Chairman before he presents it to the Board.

B. Commercial Vehicle Access Policy

Mr. Pires noted that this was not really an issue he was handling, and felt that it was something that Mr. Calamari had made comments on. Chairman Garofalo indicated that he had attempted to put together many different issues on commercial policies, but he did not think that it was beneficial to the community to publish the document. He fully agreed with Mr. Pires' comments on it, but did not believe it was beneficial as proposed, and felt it would be best to keep the status quo.

Mr. Calamari reminded Chairman Garofalo that the reason they were working on that policy was because there were holes in what they were supposed to do, so they would still need some

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guidance as to certain things. Mr. Pires suggested that they put it on the agenda for a discussion at the next meeting to address the access control policies. That could be in a closed meeting under the Statute as the discussion would be about access systems and controls. Whatever document comes out of that meeting could be part of the access control system, but is exempt from disclosure under the Public Records Law.

Chairman Garofalo agreed that this would be appropriate, and the November meeting will begin with a closed session to discuss that item. Mr. Pires will coordinate this with Mr. Dorrill. Gary Gorran from Watercrest asked if this discussion related to commercial vehicles coming in on the weekends and emergencies, and the Chairman noted that what Mr. Pires is saying is that because the District has a public road, if someone wants to come in, access cannot be refused. The question then becomes why are they restricting access to commercial vehicles.

Mr. Walsh noted that what he heard Mr. Pires say was that this has to be dealt with through your own policy manual. So basically they will make any changes they wish to make through the policy manual and not in terms of a public motion.

Mr. Pires added that what he is saying is that you can have it in the policy manual, it's a public record, but it would be exempt from disclosure as being part of an access control security system. At the Board meeting where it is discussed can be a closed session because it involves security systems and protocols. Chairman Garofalo added that a lot of the post orders are *** non post, and this item may go into that versus going into public policy.

Mr. Calamari indicated that he understood what they were going to do, but he thought it was important for the community to understand that policy when it does come into use. He asked that they make it part of the post orders, but also let people know what that policy is.

Mr. *** agreed, and asked how a resident is supposed to know when their contractor can and cannot come in if they aren't told. The Chairman indicated that after all his involvement in this issue, people do know what's going on, except he has received complaints from people who have a special request, and he felt those can be handled.

The Board will go forward and discuss this in a private session with counsel before the November meeting opens.

ENGINEER'S REPORT

A. Clarification on Berms

Mr. Robson indicated that in addition to working with Mr. Pires on the Livingston berm, Mr. Vanover wanted clarification on the County road berms. Mr. Pires got the records out of his archives, and Mr. Robson went through them and identified the legal documents that affect 41, Vanderbilt Beach Road and Airport-Pulling Road to help him understand the legal access they have. Chairman Garofalo noted that Mr. Robson was clarifying ownership and easement rights as they basically maintain all of these properties, to which they have easement rights, but do not own them.

B. Arielle Fence

The Chairman asked about the issue with Arielle's fence along the ***border, and Mr. Robson indicated that this was one of the missing areas where they did not find a record.

SUPERVISORS REQUESTS

A. Staff Hurricane Appreciation Supplement

Chairman Garofalo noted that he felt that 99 percent of the people in the community were very happy with the work staff has done, but there is always that 1 percent that is not. Basically the Chairman wanted to show some appreciation to the workers and the staff for the first week after the hurricane, as it was a monumental job that they handled.

A \$200 reward was already given to all the employees who came to work on the first day, and they handled what needed to be done. What the Chairman wished to do was reward them for

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the work they did from Tuesday to Thursday, as Friday was a half day and they were paid overtime for that. He made up a schedule of which employees worked how many days that week and what their reward would be. The total award for that week was \$11,700, which based upon the total cost of recovery may be somewhere around 2 percent. They did such a fantastic job that the Chairman wanted to show the Board's appreciation for their efforts. He reminded the Board that all of these people had problems at their own homes, but they came in to work for the District to do what they could to help.

In response to Mr. Walker's question, Chairman Garofalo indicated that the only people on the list were those who were on site that week. All of the access control people were told to stay home with pay, because the gates were open. A couple of them did come to work, as did the landscaping people, to help out, and they are the ones being rewarded.

Mr. Vanover added that as a side note, to show the dedication of these people, the golf course did not have anybody show up except the superintendent. Chairman Garofalo added that the managers came in, even on the weekends, to supervise their people.

Mr. Walsh asked for clarification on the list, and the first list of names was the people who showed up on Monday, and the second list was those people who showed up Tuesday through Thursday. Mr. Walsh asked about the electrician, who would receive \$500, and wondered what he would normally make in a week, and was advised that it was normally \$600 a week. Mr. Walsh then noted that for that group of people they would be getting anywhere between 80 and 100 percent of what their weekly pay is. The Chairman indicated that this was true for some of them, but not all.

Mr. Sparks suggested that some of the workers who did not show up after the storm may have been offered a lot of money to go work for someone else, and Mr. Dorrill heard that the hourly rate for day labor after the storm was anywhere from \$45 to \$70.

Chairman Garofalo reiterated that he wanted to show the workers that their efforts were appreciated, and Mr. Pires asked the Chairman to double check the personnel policies that

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already exist, so in the future there is no question that the Board has the ability to do this.

Mr. Dorrill indicated that he would take a look at it. Chairman Garofalo added that if it is legal, he would like to see this fee, since it's a separate item, come out of the hurricane fund contingency. Mr. Vanover felt that FEMA would be reimbursing them for the first week.

Chairman Garofalo then moved that the Board adopt the Hurricane Workers Appreciation for the laborers and staff which includes the managers and the workers. The Motion was second by Edward Walsh and unanimously approved by the Board.

Mr. Dorrill made a note of this, and will also verify the status of the supplement in the policy meeting.

FURTHER PUBLIC COMMENT

Ray *** from *** (Overtalk) indicated that there is quite a bit of damage at Arielle and Savannah, and there is obviously damage all along that area. (This question was not audible.) Chairman Garofalo indicated that Mr. Pires was going to verify that before action is taken. It was the Chairman's contention they should not accept the help of different associations in the work of cleanup, as it could lead to all kinds of issues, and Mr. Pires agreed, citing another District that was getting into the work of FEMA and also with their taxes. Mr. Pires; guidance to them was not to get into FEMA, tax or insurance as they are not District issues.

Chairman Garofalo noted that a resident had asked him that if the Federal Government passed the new tax rule about deducting all expenses, if the CDD could publish a list of all the expenses from the hurricane and then prorate it so individuals can deduct it on their income tax. Mr. Garofalo advised him that they could not do that, and agreed with Mr. Pires that it is not their responsibility to get involved with someone's income tax.

Mr., Vanover advised the Board that Mr. Walsh had provided some excellent suggestions to him in a meeting regarding job descriptions for the three salaried managers, and Mr. Vanover

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will be putting them together and giving them to the Board in a future agenda package.

ADJOURNMENT

The November meeting will be held on the 15th, and the meeting will begin with a closed executive session at 9:00 a.m. as it relates to access management, with the regular meeting directly following.

The meeting was then adjourned at 10:55 a.m.