

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
Wednesday, December 19, 2018**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, December 19, 2018 at 9:00 a.m. at the Pelican Marsh Foundation Building.

APPEARANCES:

Frank Garofalo, Chairman
Gordon Walker, Vice-Chairman
Joe Diaz, Assistant Secretary (Via speakerphone)
Edward Walsh, Assistant Secretary

ALSO PRESENT:

Neil Dorrill, Dorrill Management Group
David Robson, Johnson Engineering
Lenore Brakefield, Woodward, Pires and Lombardo
John Vanover, Operations Manager
James Calamari, Access Control

ROLL CALL

Chairman Garofalo opened the meeting, noting that Mr. Pomerantz had not yet arrived. All other members were in attendance, with Mr. Diaz participating via speakerphone. **On a MOTION by Edward Walsh and a second by Gordon Walker, Mr. Diaz' participation by speakerphone due to exceptional circumstances was unanimously approved by the Board.**

PUBLIC COMMENT

Paige Giannetti of Egrets Walk spoke briefly about the next steps for Pelican Marsh, including sidewalks. She indicated that some people feel that the District is ageing, and more power washing and updating may be needed. She added that the area should look its best during the season as this is the best time to sell units as well as when many homeowners are in their Naples residences.

Power washing is needed on the boardwalk and outside Egrets Walk as these area are slippery.

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When Mrs. Giannetti has called staff about this issue, they are very quick to respond, and it makes a big difference. She showed before and after cleaning pictures to the Board members, and asked if more frequent sidewalk cleaning could be budgeted, and suggested that a power washing be done now as the season begins. Mrs. Giannetti also put together a list for the Board where this work may be needed most.

Chairman Garofalo noted that there are 20 miles of sidewalks in the community, and they are power washed once a year. Keeping them as clean as people want them to be would be very difficult as within three weeks or so after cleaning they have begun to get moldy again, primarily due to the irrigation water. This discussion has been held several times over the years, and the Chairman felt that a full time person would be required to keep the sidewalks clean at all times.

Mr. Vanover added that with the shortage of labor it would be difficult to keep up with constantly cleaning the sidewalks, but that they try to clean whatever areas become slip hazards. Mrs. Giannetti felt that doing Pelican Marsh Boulevard's sidewalks more frequently would be helpful, as they are used quite a bit.

Mr. Robson added that there are several roads within the District that the District is not responsible for, and Mrs. Giannetti assured the Chairman that she was only talking about District roads.

Mr. Dorrill noted that the District's fiscal year starts on October the first, and usually around May they will work on their budget and spending plan for the subsequent year. He suggested that if Mrs. Giannetti wished to gauge the feelings on this in the community, the time to return to the Board would be in the late spring during the budget workshop process. Mr. Dorrill added that an annual survey of sidewalk conditions is done, and trip hazards are ground down and other sections are replaced as necessary. This is done in March or April.

Mr. Walsh did not feel it would be possible to power wash 20 miles of sidewalks on a regular basis for esthetic reasons, but the issue to him was safety. If there are specific areas within the

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community that consistently get mildew on them, then those areas should be done on a more frequent basis. Mr. Vanover added that the more shady areas have much more of a problem. Typically this work is done in the fall as it is impossible to keep up with during the summer.

Mrs. Giannetti noted once more that at a minimum they should be done at the beginning of the season, and she will check with Mr. Vanover before the spring meeting to find out how much this additional cleaning would cost.

She then asked how the importance of the esthetics with flowers in the spring would compare with the cleanliness and safety of the sidewalks, and the Chairman indicated that to him this was not an issue of cost, as much it is a functionality and feasibility issue to clean the sidewalks. He further noted that they are constantly changing and renewing the plants and flowers in the District, and they do it community by community to keep it updated. If someone highlights an area that does not look good, within a few days they are all looking at it to determine an improvement. Pavers have been another item that people wished to see more of, but the pavers the District has are very hard to keep clean.

With the Board's approval, Mrs. Giannetti will work with Mr. Vanover sometime in February before the budget workshop to see if there could be some options to address the sidewalk issue.

Patty *** indicated that she lives directly adjacent to the preserve, and that they are full time residents of Pelican Marsh in Portofino. Two months after Hurricane Irma the pine trees along the golf course and her home died, and the pine beetles then came in and there was a two week infestation of them, which affected their lanai and yard. She indicated that they have been asking to have the trees taken down or removed, and Mr. Vanover indicated at various times during the year that they would be removed. Now Mr. Vanover has advised them that it would be sometime during the first quarter of the new fiscal year. These trees are a hazard to their home and to the dog walkers and those on the cart path. As they have had a lightning

strike on a palm near their home, she is fearful that if one of the dead pines is struck a fire could be started and come over to their house. She also feared that these trees could come down and fall on their house.

There is another tree on the berm near their home that was split, and part of it was removed by them, but the other part needs to be taken out. The berm next to their property has also been trashed, and the golf course cut two trees down that had been damaged by the storm, but she and her husband had to pay to have the stumps removed. They also cleaned the area up and put in grass, mulch and irrigation.

Chairman Garofalo indicated that after the hurricane they prioritized all of the work, and they are just now coming to the end of it. The previous day they were in Portofino, and they have been waiting for help as well. Portofino will be worked on in January as well, and then they will begin working on all the preserves in Tiburon and Pelican Marsh.

This has been the broad plan for over a year, and additionally, this resident was reminded that they will take down the dangerous trees and chop them up, but they cannot be removed from the preserves, which is state law.

Mr. Vanover indicated that they will be working on the preserves in February, March and April. The Chairman will go and look at the area in question and determine what they can do.

APPROVAL OF AGENDA

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

OATH OF OFFICE/ELECTION OF OFFICERS

Mr. Dorrill gave the oath of office to Frank Garofalo and Gordon Walker to act as supervisors for the Pelican Marsh CDD. The official oaths will be sent to the Secretary of State, who serves as the State Elections Official.

On a MOTION by Edward Walsh and a second by Gordon Walker, Frank Garofalo was nominated to serve as Chairman.

On a MOTION by Edward Walsh and a second by Frank Garofalo, Gordon Walker was nominated to serve as Vice-Chairman.

On a MOTION by Edward Walsh and a second by Frank Garofalo, Don Pomerantz was nominated to serve as Treasurer.

On a MOTION by Edward Walsh and a second by Frank Garofalo, Neil Dorrill was nominated to serve as Secretary.

The Board then unanimously approved the Slate as listed above on a MOTION by Gordon Walker and a second by Frank Garofalo.

APPROVAL OF MINUTES OF NOVEMBER, 2018 REGULAR BOARD MEETING

On Page 3, in the second to last line, the words “bond funds” should read “emergency funds”. Additionally on Page 3, in the fifth line, Mr. Gordon asked if the money mentioned in that line had been received, and Mr. Dorrill indicated that it had, and that they would be discussing it later in the meeting.

On Page 7 under Public Comment, the starred name was Mr. Calamari, who was elected to the Fire District.

Mr. Dorrill noted that Mr. Pires had reviewed the minutes and had no corrections.

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

FINANCIALS

Mr. Dorrill reported on the first schedule in the October 31 financials, Sources and Uses, which was created after Hurricane Irma to track those costs. No additional costs have been incurred, and the final cost associated with the hurricane was \$1,200,000 which substantially depleted

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the emergency contingency fund as well as the cash flow reserve. \$77,800 was received from the insurance claim for some fencing, and three distributions have been received from FEMA. The first was in September for \$5,000, then in October \$56,000 was received, and the previous month \$232,000 was received. At year's end, the cash position stood at \$293,000.

In anticipation of that the Board had entered into a line of credit agreement in the event there were any subsequent delays from FEMA. The District is eligible for another \$800,000, primarily for debris removal. As a result of the money received last month, the cash reserve now stands at \$561,000 at Florida Integrity Bank.

In response to Mr. Walsh's question about the FEMA schedule that is normally in the book, Chairman Garofalo indicated that Mr. Vanover has been updating it and it is not presently in there. Mr. Vanover noted that he will email it to the Board, and indicated that he felt confident that four of the final projects are in the hands of Ernst and Young. He anticipates that some large checks should be received in February.

On the expense side of the income statement, under the professional and administrative cost center, there appears to be a windfall in that the invoice from the property appraiser was for \$10,916. \$63,000 was budgeted for the property appraiser this year, and a savings of \$52,000 will flow through to the bottom line this year. This amount usually changes from year to year, and Mr. Dorrill surmised that the appraiser may have had excess funds from the previous year and applied them to the District's invoice this year.

Overall, for the first month of the fiscal year the total operating expenses were \$285,000 against the budgeted expenses of \$409,000 on an annualized basis, and so year-to-date the District is \$120,000 under budget. Some of the insurances are prepaid, however, and there are some capital projects coming up, which will quickly get caught up in the remainder of the quarter.

***No acceptance of financials

MANAGER’S REPORT

A. Approval of Escada Resident Fence Variance

A location sketch was included with an Escada resident’s request for a fence. Mr. Dorrill noted that this is a routine request, and there have been five similar circumstances in the past for this. Staff recommended approval, subject to the receipt of a dimensioned sketch together with the District’s standard form license agreement prepared by Mr. Pires, as well as the resident’s payment of the preparation and recording fees involved. This will leave an eight foot wide lake maintenance easement across the rear yard in the event it is needed.

On a MOTION by Edward Walsh and a second by Gordon Walker, the Board unanimously approved the requested fence variance subject to the items mentioned above.

B. 2019 Lake Bank Erosion Repair Contract

The fiscal 2019 annual Lake Bank erosion contract was provided to the Board, and the projects for this year include lakes in three communities, Seville, Arielle and two lakes in Troon Lakes. The standard Geotube will be used on the mile of lake banks to be repaired at a cost of \$134,000 and the work will be done during the dry season, and a preconstruction meeting will be held in the spring to answer questions from the affected communities.

On a MOTION by Edward Walsh and a second by Gordon Walker, the Board unanimously approved the contract and authorized the chairman to sign it.

Chairman Garofalo noted that the spread sheet that was prepared has every lake that needs to be done and what has and has not yet been completed.

Mr. Robson indicated that he has had experience with a few other contractors with Geotube installation, and he complemented the Board for staying with American Shoreline. In his opinion they are the best of the contractors doing this work. The Chairman added that he has also come down in his pricing. Mr. Randall from Watercrest supported Mr. Robson’s opinion, as they did a terrific job at Watercrest the previous year.

The cost is \$30 a foot, down from \$33.

C. Staffing Issues

Mr. Walsh asked Mr. Vanover if he had been able to fill any of the staff vacancies, and Mr. Vanover advised that no one has responded to the bonus offer. There is a labor crisis, but one of their previous employees will be returning in the spring. Mr. Vanover indicated that this is a common issue in this field of work, but they are now entering their slow time and will not have any trouble keeping up with the work.

They will be trimming the Sabal Palms at the end of January when the lift is to arrive, and this is a six to eight week job. He felt confident that by April they would be done with all the hurricane related work and caught up with everything else. Mr. Dorrill will put this on the agenda for the following month.

Mr. Walsh indicated that many organizations are doing away with drug testing, and suggested that the Board may think about excluding marijuana from the drug testing that they do. Mr. Dorrill indicated that they will discuss that with their insurance carrier, and Mr. Vanover added that in the many years he has been testing, only three people have tested positive.

ATTORNEY'S REPORT

A. Stormwater Utility Issue

Mrs. Brakefield advised that Mr. Pires and Mr. Dorrill met with County staff on November 19th, and basically the County still intends to charge a fee to everyone. On December 13th Mr. Pires attended a Productivity Committee meeting and not much happened there. That committee will meet again in January, and Mr. Pires will attend it as well and again make his argument for Pelican Marsh, Fiddlers Creek and Lely.

Mr. Dorrill reiterated their belief that there needs to be a substantial credit for communities that have and are responsible for their own drainage system as well as water received from

other adjacent communities and County roads.

A resident who formerly lived in Village Walk indicated that their HOA maintained their own culverts and so on, and several years ago the County tried to enforce a yearly check of the system and a camera check every three years, and Village Walk prevailed in their argument that it was a private community who maintains their own system and mandates how they do it.

Mr. Robson indicated that with several communities, particularly in the Fort Myers area, if you have an up-to-date South Florida Water Management environmental research permit that establishes that your water drainage system meets the 25 year, three day storm event, there is a 50 percent credit against your fee. This is very common, and if Collier County is not doing it, it should be brought up at a meeting.

Mrs. Brakefield will advise Mr. Pires to contact Mr. Robson regarding this issue.

ENGINEER'S REPORT

A. New Fencing

Mr. Robson and Mr. Vanover went to the areas of fencing where the work will take place, and the second week of January is scheduled for the field work so the legal descriptions can be given to Mr. Pires. Mr. Vanover will meet with the crews and clarify the work.

SUPERVISORS' REQUESTS/PUBLIC COMMENT

No further requests or comments were received from the Board or the public.

ADJOURNMENT

With a reminder that the next meeting would be held on January 16th, the meeting was adjourned **on a MOTION and a second.**