

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT  
REGULAR BOARD OF SUPERVISORS MEETING  
Wednesday, June 22, 2017**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, June 22, 2017 at 9:00 a.m. at the Pelican Marsh Foundation Building, Naples, Florida.

**APPEARANCES:**

Frank Garofalo, Chairman  
Don Pomerantz, Treasurer  
Gordon Walker, Assistant Secretary (Via Speakerphone)  
Joe Diaz, Assistant Secretary  
Edward Walsh, Assistant Secretary

**ALSO PRESENT:**

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

**ROLL CALL**

Chairman Garofalo noted for the record that this meeting was a continuation of the meeting held the previous day for purposes of establishing a quorum. All Board members were in attendance with the exception of Mr. Walker, who was participating via speakerphone. **On a MOTION by Don Pomerantz and a second by Joe Diaz, Mr. Walker's participation via speakerphone due to exceptional circumstances was unanimously accepted by the Board.** No Public Comment was received at this time.

**APPROVAL OF REPLACEMENT SUPERVISOR**

As there was only one individual who showed interest in serving as the replacement supervisor, **Chairman Garofalo made a MOTION that Edward Walsh be appointed as a supervisor of the District. The Motion was seconded by Joe Diaz and unanimously approved.**

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Mr. Walsh was then sworn in as a Supervisor of the Pelican Marsh CDD, and took his place with the other Board members.

**Gordon Walker then made a MOTION to appoint Frank Garofalo as Chairman which was seconded by Joe Diaz.**

A brief discussion was held as to the best way to appoint the entire slate.

**Gordon Walker then amended his MOTION as follows: Frank Garofalo as Chairman, himself as Vice-Chairman, Don Pomerantz as Treasurer, Neil Dorrill as Assistant Secretary and Joe Diaz and Edward Welch as Assistant Secretaries. The Motion was seconded by Don Pomerantz and unanimously approved.**

**APPROVAL OF AGENDA**

**The Agenda as submitted was unanimously approved by the Board.**

**APPROVAL OF MAY 17, 2017 MINUTES**

On Page 2, the starred name in the fourth line should read “Mr. Randall”.

The name in the beginning of the second paragraph was Ray Zobot.

The landscaping company in the middle of that paragraph is “Evergreen Landscaping”.

On Page 8, the starred name at the beginning of the last paragraph was provided but inaudible.

The word “to” should be added after the word “amended” in the Motion on Page 8.

On Page 9 in the third to last line of the second paragraph, “then feet high” should read “ten feet high”.

On Page 10, the fourth line from the bottom, the words “that is” were inserted twice.

On Page 12, the form on the eighth line from the bottom is Form 1F. The words “may be sent” in that paragraph should be stricken.

**With those corrections, on a MOTION by Gordon Walker and a second by Don Pomerantz, the May 17 minutes were unanimously approved by the Board.**

## **FINANCIALS**

The seven month financials were provided to the Board, and the initial receipts for June shown on the revenue report were still tracking behind the prior year. Mr. Dorrill noted that there were some tax certificates sold at the auction in May, which will probably be seen on next month's financials.

The balance sheet showed \$2,750,000 in cash which Mr. Dorrill noted was a very positive cash position entering the second half of the year, against \$86,000 in payables.

The income statement showed that through the end of April almost 95 percent of revenues had been received, at \$3,300,000 against a total annual budget of \$3,394,000.

Some of the expenses through the end of April, as discussed in previous months, were over budget, such as legal advertising. Landscaping year-to-date was noted as being \$50,000 under budget on salaries and wages, and the associated benefits costs for an additional \$10,000 savings due to the ongoing vacancies.

Irrigation water is over budget, due entirely to the fact that the increase went into effect after the Budget was adopted. The County typically does not announce their rate increase until September or October, so it was higher than was originally forecast. The District is substantially under budget on irrigation supplies as there have not been many repairs this year.

The income statement also showed that the District was under budget by almost \$40,000 in salaries under access control; again, due to vacancies.

Year-to-date at the end of seven months, the District is about \$140,000 under budget in expenses with strong cash and revenues. This is a good testament to Mr. Vanover who has a very good handle on the month to month expenses.

Mr. Gorran from Watercrest asked Mr. Dorrill about the fact that salaries and wages in both landscaping and access control are under budget as there are not as many people working, and wondered if the vacancies will be factored out of the budget a year from now for the next budget or will they still budget for a full staff. Mr. Dorrill noted that when he worked at the

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County, they did budget for attrition, but that was a very large group of people. That is not done at the District, as the work force is much smaller and it is a little difficult to forecast, for example, when a landscaping employee may decide to return to Mexico. As a result of that, 100 percent of base salaries are budgeted. If there is attrition, which there has been for the previous three years, it flows through to the bottom line and is reflected in higher cash and beginning fund balances.

Chairman Garofalo added that Mr. Vanover also has a payroll expense that he uses when the budget numbers are figured for the coming year. If it is too low, as it is now because there are two vacancies, then it is bumped up to what the full staff numbers would be.

Mr. Gorran then noted that Mr. Dorrill's opening comments were that they were still waiting for some money from delinquent taxes, and also noted that about 95 percent of the revenue had been received. Mr. Dorrill indicated that this amount was the net after the discounts and fees were taken out, and suggested that this was not going to get much better. He still anticipates an additional \$30,000 or so based on what was budgeted and how the discounts get applied, and a second distribution from the tax collector will probably be received following the auction.

Chairman Garofalo indicated that the District does not lose any money, and eventually they do get all of it. Mr. Dorrill noted that sometimes in a distressed real estate environment the certificates cannot be sold, and after they go unsold for a period of several years, they revert back to the Board of County Commissioners, which holds those unclaimed certificates.

**On a MOTION by Don Pomerantz and a second by \*\*\*, the financials were unanimously accepted by the Board.**

**MANAGER'S REPORT**

Mr. Dorrill had nothing further to bring before the Board, but Mr. Pomerantz asked Mr. Calamari about the vacancies, and wondered how it affected the coverage. Mr. Calamari

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indicated that overtime has been used to cover the gates, and the Chairman added that overtime is used, having people work double shifts, to fill those vacancies. Year-to-date the line item for overtime is \$1,400 over budget, but regular salaries are \$34,000 under budget, so that is made up for through a part time position.

Mr. Vanover added for the record that access control is presently fully staffed, but landscaping is short by two men. They are continuing to try to hire additional workers, and the other men do their best to cover the shortage.

**ATTORNEY'S REPORT**

**A. New Supervisor Information**

Mr. Pires welcomed Mr. Walsh to the Board, and advised him of a few things that must be done, such as filling out a financial disclosure form which will be provided to him by Mr. Dorrill, and then filed. Additionally, as a supervisor, Mr. Walsh was advised that he was subject to the Florida Sunshine Law and Public Records Law. Mr. Pires explained what this means as far as no communication with any other Board member on any matter involving the Pelican Marsh Community outside of the regular public meetings. Mr. Pires advised that he takes a very conservative position on the Sunshine Law, as the violations can be civil as well as criminal, and no matters involving the District operations can be discussed by any form of communication with another Board member outside of the "Sunshine", which is at a publicized Board meeting. Additionally, another person cannot be used as a conduit to another Board member.

As it relates to the public records law, any documents that are received or sent in one's capacity as a Board member are public records and need to be retained. Emails should be sent to Mr. Dorrill who maintains them as the custodian of records. All responses must be forwarded to Mr. Dorrill as well. Mr. Pires also advised Mr. Walsh that his name and contact information will be on the website. He also indicated that should he have any questions on the Sunshine Law, to err on the side of being conservative, and liberal on the side of saving all correspondence.

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He also advised Mr. Walsh to call him, Mr. Dorrill or Mr. Vanover if he had any questions about these issues.

**B. Ventura Fence**

Mr. Pires indicated that they are still waiting for the information regarding the permit, due to the turnover of personnel at the County. Some of the new people may be a little more casual as it relates to compliance issues, and years down the road someone may look at a document and say that this person didn't have the authority to do something. In any event, they are waiting for that information. Mr. Vanover added that everything Mr. Pires has requested has been forwarded to Russell Williams, the property manager for Ventura.

Mr. Pires indicated that the issue arose as the property involves two tracts, and the permit references one tract. There is a certificate of completion on the fence on one tract, and no certificate on the other. Someone at the County felt that they should just amend the permit, but Mr. Pires indicated that they needed the certificate of completion of the fence on the other tract as well to avoid questions in the future. The completion of the transfer is pending receipt these items.

**C. Escada Fence Variance**

There is a certain document from the engineer that Mr. Pires needs for the records which has been requested but has yet to be received. This is expected to be received soon.

**D. Trees on Golf Course at Tiburon**

This item has almost been worked out, with the golf course agreeing to do more tree plantings, and at this point the only ongoing issue is that the residents insist on having irrigation installed, and that is being worked on as well. The area is flooded at this point, but the work will begin soon.

## **ENGINEER'S REPORT**

### A. Plat to Mrs. Powell

Mr. Robson indicated that he had provided a copy of the plat to Mrs. Powell to help the Tiburon golf course issue move forward, which was a ten minute item of activity for him.

## **SUPERVISORS' REQUESTS**

There were no additional requests received from the supervisors.

## **PUBLIC COMMENT**

Jim \*\*\* indicated that a resident had fallen due to a breakup in the pavement in a section of Pelican Marsh Boulevard that has never been repaved. This is not scheduled to be repaved according to the budgetary process until 2018/19, but this gentleman felt that due to the fall that had occurred and what is happening with the pavement on that road, that work needs to be addressed sooner. He asked the Board to contract for the paving of that final section of Pelican Marsh Boulevard.

Chairman Garofalo indicated that he had walked this area and noted that there is a split in the pavement where the resident tripped and fell, and indicated that it is scheduled for repaving in the next County budget. To have the District pay for the repaving would require an appearance before the County and a request for a budget change. The crack in the road, which was the worst area, has been fixed, and the Chairman felt that the road was adequate for another year, the fall of 2018, until it is redone. (Overtalk)

## **ADJOURNMENT**

With the agreement that the July meeting would be held on the 19th, **the meeting was adjourned at 9:35 a.m. on a MOTION by Chairman Garofalo and a second by Don Pomerantz.**