

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
Wednesday, November 15, 2017**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, November 15, 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: David Robson, Johnson Engineering
Mallory Clancy, Johnson Engineering
Lenore Brakefield, 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

Dennis *** commented on the great job Mr. Vanover's crew had done with the landscaping on Vanderbilt Beach Road, as it had been quite bad. He added that Norman Estates would be interested in putting up a wall at their expense if the CDD would maintain it afterwards, and Chairman Garofalo indicated that they would be willing to take a look at this. He added that all the walls in the District are the same, and they would like to continue Mr. Vanover noted that there is an existing wall there now, on Norman Estates' property, and this neighborhood would like to expand it, but it is a different wall than others in the District. The Chairman noted that they maintain supplies for the walls within the District for repairs if needed, and suggested that further discussion he held on this as a different wall may present different issues. He and Mr. Vanover will take a look at the wall and will advise the gentleman once that is done as to what the District can do for them.

Pelican Marsh CDD – Minutes

November 15, 2017

Page 2

The Chairman noted at this point that Mrs. Brakefield of Mr. Pires' law firm is filling in for him today, and Mr. Dorrill is not present as he is out of the country.

Chairman Garofalo also advised those present that a Closed Door Session would be held at the end of the meeting for staff and Board members only to discuss the District's access policy.

APPROVAL OF THE AGENDA

Mr. Pires had asked that the discussion on vacating the Livingston Road Berm Maintenance Easement under the Attorney's Report be tabled until the following month when he will be present at the meeting.

On a MOTION by * and a second by Joe Diaz, the Agenda was then unanimously approved.**

APPROVAL OF MINUTES OF OCTOBER 18, 2017 REGULAR BOARD MEETING

On Page 3, the starred name halfway down the page is Roy Cluff and the area being discussed was the Arielle/Victoria Park boundary line.

On Page 4, under the Page 9 correction, the gentleman's name is Pete Koenig.

Also on that page, the woman's name being corrected on Page 15 was Diane Keater.

On Page 8, where it was noted by Mr. Dorrill at the end of the second paragraph that he expects the entire contingency will be spent, Mr. Walker asked how that fund will be replaced.

Chairman Garofalo indicated that they would talk about this issue later in the meeting.

On Page 9, in the middle of the page, the starred area that Chairman Garofalo was referring to was to the sod between sidewalks and streets.

On page 10 in the fourth line, the word "they" should be "the".

On Page 11 at the beginning of the second paragraph, "Joe" Carter should be "Jim Carter".

On Page 12, the starred name halfway down the page was "Gary Newman". His name should be filled in as well in the second line from the bottom.

On Page 13, the starred name in the middle of the page was Bill Payne.

Pelican Marsh CDD – Minutes

November 15, 2017

Page 3

On Page 14, the first sentence should read: “in an open meeting” as opposed to “as an open meeting”.

On Page 17, in the third line under Item F, the word “is” should be inserted before the word “tied”.

On Page 20, in the eighth line from the bottom, the starred words “non post” should be changed to “non public”.

Additionally on the fourth line from the bottom, the starred name should be Mr. Gorran.

On Page 21, the starred word under Item B should be “Victoria”, speaking of the fence border.

On Page 23, the gentleman’s name under Further Public Comment was Ray Zobott.

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

FINANCIALS

As Mr. Dorrill was not in attendance, Chairman Garofalo noted that he would highlight a few items. On the balance sheet, under the current assets there is a line item called Designated Cash for Contingency. This is the \$400,000 emergency fund, and as of the end of September it had dropped to \$254,000. The Chairman indicated that in the next-to-last page in the book a sheet was included that has been prepared to track hurricane expenses by month. The sheet showed that \$145,000 plus was spent in September on hurricane expenses and the balance was \$254,000 at that time. In October, an additional \$238,000 was spent on hurricane expenses, and as of October 31, \$383,000 has been spent on cleanup.

The last page reported on the end of the budget year, and the final result on the performance of fiscal year 2017 was positive by \$121,000. This shows the alternate maintenance method by staff when not as much mowing, for example, is needed in the winter months. Additionally, hiring new staff if someone leaves will not take place until April, when they will be needed.

These are two examples of the different ways staff saves money for the District, which totaled

Pelican Marsh CDD – Minutes

November 15, 2017

Page 4

\$121,000 the previous year.

The Chairman also pointed out under revenue that -the yearly refund from the County was \$21,000, which will be adjusted and rolled back into income. Added to the \$121,000 saved the previous year makes the amount going forward \$142,000 for the District.

Additionally, under capital outlay, Lake Restoration shows a negative \$16,000 amount.

Historically the District has always had a positive number on this line item, but the difference this year is when Lake 54 at Terra Bella was being done the previous year, it was ahead of their scheduled time for the work. Terra Bella then lent the District the money to have it done, to be paid back in the next budget year. They were paid on October 20, but the accountant mistakenly noted it in September for the previous budget year. As a result, that \$18,900 made that line item go over budget. Moving that number back to the new fiscal year make another almost \$19,000 profit.

A section on hurricane expenses is being added to the total recap, and is based on the budget year. The report included in this month's financials is based on September 30, and two lines are shown on the report, showing disaster expenditures and a transfer from the balance sheet.

Whatever is spent is taken from the balance sheet. FEMA reimbursements have not been added, as FEMA is evaluating Pelican Marsh to determine if they qualify for reimbursement.

There are 102 CDDs in Florida, all of which have probably filed for reimbursement as well.

Chairman Garofalo felt positive about the FEMA outcome as generally they will reimburse government organizations, while not reimbursing HOAs. However, with all the devastation in Florida, FEMA is backlogged and the District may not receive a distribution until January.

Until the District knows what FEMA's decision is on reimbursement, the Board won't make any decisions on how to replenish the funds. If FEMA does what they have in the past, the

Chairman felt that there will be enough money so an assessment will not be necessary. If FEMA money is not received, the Board will have to determine how to best replenish those funds, which may involve an increase in the budget which would be designated to replace the

Pelican Marsh CDD – Minutes

November 15, 2017

Page 5

emergency fund.

Jeff Randall from Watercrest asked if 100 percent of the expended funds would be reimbursed by FEMA, and the Chairman advised that they did not know, although he guessed it would be anywhere from a 75 to 90 percent reimbursement. Mr. Vanover is keeping a duplicate of every single invoice as well as a summary sheet of all of them should there be any question on expenses. 90 percent of the work has been done by contractors, so the work cannot be questioned.

There will be some internal expenses, such as staff coming in to work the first week after the storm, which could be considered deductible because it was all hurricane related, as well as some of the overtime.

Mr. Pomerantz asked if this was the first request the District had made from FEMA, and was advised that after the hurricane in 2006 FEMA reimbursed a significant amount of expenses, so that positive precedent has been set. Mr. Vanover clarified that their expenses at that time were about \$300,000, and FEMA reimbursed them for 2/3rds of that. In this storm all the costs have been submitted to FEMA, and Mr. Vanover anticipates that they will get close at 50 to 70 percent.

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

MANAGER'S REPORT

A. Hurricane Recovery Update

Mr. Vanover reported that Allen Concrete has all his heavy equipment and labor working within the District, and they are finishing up at Ventura along the berm, and the next place to be worked on is Grand Isle which is not as heavily damaged. Following that they will be working on a big stand of Ficus that blocked Grand Isle from Mercato, and came down into the water. This is a big job and will take up to two weeks to clear out as access is challenging in this area.

Pelican Marsh CDD – Minutes

November 15, 2017

Page 6

After this job is completed, the crews will head over to US 41 and clean up the damage there. There is some additional damage along Spanish Moss, which is adjacent to 41, and once that is completed Mr. Vanover felt that the contract work will be done, hopefully within the next two weeks.

Presently the CDD staff is working on seasonal projects, putting in flowers and putting down mulch. Once the debris removal is complete and the contractors are through, and the seasonal work is done the crews will be working on the boulevards, replacing the sod where trees were uprooted and left large holes. These areas will be re-graded and new sod put in, and then the fences will be addressed. Once the fences are repaired, staff will begin the work of determining where landscaping will need to be refurbished. Mr. Vanover felt that this project will continue into the summer, as there is quite a bit of work to be done. They do have a plan, however, and they are moving forward with the plan and they are making progress every week. Jeff Randall asked about the fence along Pelican Marsh Boulevard, adjacent to Watercrest as you come into the entrance. Mr. Vanover noted that the fence does belong to the CDD, and he is currently getting prices on getting that repaired. Contractors are so busy right now that it is difficult to get them out to look at the fence and give a price on repairing it. Hopefully after the first of the year this will ease and it will be easier to get various companies to come in and do the work. The Chairman added that they were trying to get the fence work done by the first of December, but as Mr. Vanover said, they are having difficulty getting someone to come in and take a look at the fences.

Mr. Vanover's crews have fixed most of the irrigation that was ripped out during the storm, and the next big challenge is the chain link fence. The stone fences will be fixed in house, probably around the first part of January as they have spare parts for this work.

Chairman Garofalo noted that as far as replacing trees and shrubs, they will be customized jobs area by area, to determine what the best trees and shrubs will be for each individual area.

Pelican Marsh CDD – Minutes

November 15, 2017

Page 7

New trees take quite a bit of water, which cannot be obtained from the irrigation, so the planting of shrubs and trees may have to be delayed until the rainy season.

Roy Cluff from Arielle asked about the irrigation work along Airport Road and ***, and Mr. Vanover indicated that some of the wires had been ripped out, but they did have a crew through there, and if there are some areas that are not working, to let him know. He indicated, however, that he would take a walk back there and check the lines, and will let Mr. Cluff know what he finds.

B. Town Hall Meeting Procedure

The Chairman indicated that they are having a Town Hall Meeting on Friday at the Tennis Center from 1:00 to 3:00, where they will show a short power point presentation on the damage and an update on the repair will be given by Mr. Vanover and the timing of it. They will then have a question and answer period to take all questions that people may have. That meeting will be recorded.

C. Arielle Fence Ownership along Victoria Park

The Chairman also noted that Mr. Cluff had asked about who owns the fence between Arielle and Victoria Park, and Mr. Robson from Johnson Engineering advised that Mr. Pires had gone through his District records and put part of the information together, and then Mr. Robson took it back to his office and did a more thorough job going through it. There was no information found regarding the northeast corner of Airport Pulling Road and Victoria Park where it abuts Arielle, all the way to Timarron, and no document having any dedication to the CDD.

Mr. Vanover sent a 2000 document to Mr. Cluff, who indicated that he did not recognize the signatures on it, and no one at Arielle had signed it. Mr. Vanover suggested that it may have been the developer or the CDD Board from back then. Mr. Robson noted that one document

Pelican Marsh CDD – Minutes

November 15, 2017

Page 8

they did find addressed the east edge along Airport Pulling Road, but not the north edge along Victoria Park. (Overtalk, unable to hear.)

Regarding an easement in that area, Mr. Cluff asked who it was for, and Mr. Robson advised that it was from the Arielle Recreation Association to the Pelican Marsh CDD, and it was for the purpose of providing a public facilities landscape buffer easement. The description is then given with the plat and so forth, and this easement relates to the east edge.

In this case it will default to the property owner, and Mr. Vanover will send Mr. Cluff an aerial from the Collier County Property Appraiser's website showing the Arielle HOA as the owner. Chairman Garofalo clarified that in the absence of a document indicating that it was transferred to the CDD, the assumption is that it was not transferred as there is no paper trail indicating that. Mr. Vanover will contact Mr. Cluff when the fence contractor comes so Arielle can make the decision on the work to be done.

Chairman Garofalo also noted that Ventura's fence was approximately \$110,000, and to assist them, the Board gave them the equivalent of a chain link fence that would have gone in if the fence was not there. Gary Gorran from Watercrest asked who owned the land on both sides of the Ventura fence, and was advised that Ventura owns inside the fence, and they also owned the property on the outside of the fence, which was a surprise to the Board as they thought it was owned by the County. When the fence was transferred to the District, the property on the outside was also transferred as the District has been maintaining that property for years.

In response to Mr. Gorran's question, Mr. Vanover indicated that the District owns the property adjacent to Grand Isle, and the reason they are maintaining Ventura without ownership is because it was dedicated to the District to maintain it. The CDD will be taking over the berm once the paperwork has been completed by Mr. Pires, and the Chairman and Mr. Vanover agreed that it was one of the worst areas hit in Pelican Marsh and Tiburon. It is difficult to see because there are a lot of trees between the fence and the road, but it is a disaster back in that Area, on both sides of the fence, and both sides have been cleaned out. Now the property on

both sides of the fence will be transferred to the District with the berms.

Mr. Cluff then asked if they would be transferring the ownership of the Arielle berm along with the fence to the District, and the Chairman felt that at this point to take on that additional work may not be something they wished to do, as Arielle has been maintaining it all along. It is a Board decision, but he felt that they would agree to maintain the fence only.

Mr. Diaz asked who was going to be taking care of the fence on Livingston, on the eastern border of the CDD, and the Chairman indicated that the District has no ownership of that fence. They do have an agreement to maintain the berm landscaping, which does not include the fence. Mr. Vanover felt that the golf course would be repairing it, but he was not sure of that.

ATTORNEY'S REPORT

A. Agreement with Mr. Lund

*** Mrs. Brakefield's comments were inaudible. All the work has been completed but they are waiting to receive the documents from Mr. Lund, and Mr. Vanover suggested that until they receive the \$660 to cover Mr. Pires' fees, that the documents should not be signed. The Chairman agreed. Mrs. Brakefield also indicated that once they receive a check for \$98.70 for the recording, the documents will then be recorded and this will be completed.

ENGINEER'S REPORT

There was nothing further reported from the Engineer, other than the fact that he will soon be retiring and Mallory Clancy from his firm will be assuming his duties for the CDD.

SUPERVISORS' REQUESTS

A. Bridge on Pelican Marsh Boulevard

Mr. Walker indicated that he had looked at this bridge and it has been damaged on the north

Pelican Marsh CDD – Minutes

November 15, 2017

Page 10

side, and there are nails sticking out on the handrails. Mr. Vanover indicated that he was trying to get that done very soon, and as soon as the carpenter returns from vacation he will take care of it. Mr. Vanover will walk down the side and hammer in any protruding nails.

At this point the video to be shown at Friday's Town Hall Meeting was shown to those in attendance. Mr. Vanover noted that they wanted to show those people who were not present for the storm how bad it was, and there are also some pictures showing some of the areas that were repaired.

He explained what each picture depicted, noting that many people could not get in or out of their homes for many hours until it was cleared for them. He explained that it took the heavy contractors four weeks to get through the roads and get all the debris cleaned up. The condition of the different gates were shown, and the number of trees that were down. Some of the berms were also shown and the bad condition they were in.

It was noted that many of the trees that were stood back are beginning to bud, and Mr. Vanover indicated that in a handful of years they will look very good. There was some upheaval in the asphalt and curbing in some places, and those have been fixed at this point, as have the sidewalks. The barrier that separated Tiburon from the shopping center was shown, and it has been cut back, many of the trees were stood back up, and the irrigation was fixed and it is looking much better.

The debris dumping area was shown, and presently there are roughly 15,000 cubic yards of debris in it. The County has agreed to come out and remove it, but it has yet to be done.

The black olive trees that went down were lying on the ground for a month before they were put back up, and they are beginning to flesh out at this point.

Mr. Vanover pointed out at this point that the staff has been working roughly six days a week, and there was a heavy amount of overtime during the month of September, with less in October. Mr. Vanover has made Saturday a voluntary working day. The figure Mr. Vanover had

Pelican Marsh CDD – Minutes

November 15, 2017

Page 11

for hurricane costs at the end of October was \$422,000, which is slightly different from what was noted in the financials, and he has projected that it will probably be double that number before they are done.

As noted earlier in the meeting, re-landscaping will probably not be done until the rainy season. Mr. *** suggested that a list needed to be done at this point on what still needs to be done, and what the timing will be. Chairman Garofalo noted that once Mr. Vanover gives a briefing on what needs to be done, which will include the area along Vanderbilt to 41 which may run \$40,000 to \$50,000, the fences, which may run \$35,000, and replacing shrubs and trees, the amount of which is yet unknown, they will have a better idea of that.

Chairman Garofalo advised that the timing of all this work is on the agenda for the Town Hall Meeting, which will be provided by Mr. Vanover when he addresses those present.

At this point the Chairman recommended that the meeting in December be held on the 13th rather than the 20th, and that will be confirmed.

The meeting was then adjourned by the Chairman, and a brief break was taken before the Closed Door Session.