

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT  
REGULAR BOARD OF SUPERVISORS MEETING  
Wednesday, JULY 18, 2018**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, July 18, 2018 at 9:00 a.m. at the Pelican Marsh Foundation Building.

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

**ALSO PRESENT:** Ken Hess, Dorrill Management Group  
Mallory Clancy, Johnson Engineering  
Tony Pires, Counsel for the Board  
John Vanover, Operations Manager  
James Calamari, Access Control

**ROLL CALL**

All members of the Board were in attendance.

**PUBLIC COMMENT**

Joe Sparks expressed his concern over some of the invasive species that have shown up in the area, including the pythons and the toads. He wondered if the CDD was doing anything about the toads, and was advised that nothing has been found yet to stop them, and at this point the District is doing nothing.

Additionally, the Water Company sent a notice in their bill offering free mosquito fish, which eat huge amounts of mosquito larvae. Chairman Garofalo noted that he read the brochure in the water bill about these fish, and did some research on them as well. There are some

***Pelican Marsh CDD – Minutes***

***July 18, 2018***

***Page 2***

downsides to using these fish, as they reproduce every two months, multiply by the millions, and take over wherever they go. They also eat the larvae of toads and other fish as well as algae. The migratory birds then eat these fish, which are full of mercury, which can have a negative impact on them.

Finally, the World Health Organization does not want any part of these fish, and the Chairman will be contacting the Utilities Department to find who is supporting the use of these fish and how much is known about their possible drawbacks into the future.

This item will be readdressed at a future meeting.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES OF JUNE, 2018 REGULAR MEETING**

**On a MOTION by Don Pomerantz and a second by Gordon Walker, the minutes were then unanimously approved by the Board.**

**FINANCIALS**

The monthly collection summary showed that the District was within \$568 of what was collected the previous year. On the balance sheet, Chairman Garofalo noted the group listed as Other Assets Designated for Cash Flow, which is money set aside for emergencies. Before the hurricane, this amount consisted of two different funds, one for \$850,000 and \$450,000 for emergency contingency for a total of \$1,300,000. Presently this line item stands at \$551,000. The monthly statement showed what was received as of May 31, 2018. All of the cost centers were positive. As some residents have recommended, the Board will make it clearer as to what exactly the CDD does. In the near future they will have a designation next to each cost center

***Pelican Marsh CDD – Minutes***

***July 18, 2018***

***Page 3***

indicating who manages it. Until then, Mr. Vanover can provide that information.

It was noted that fuel costs under access control had increased substantially, and Mr. Vanover was asked if this had been mis-budgeted. Mr. Vanover noted that there was one set of fuel tanks at the District, and everyone pulls from it. It cannot be split up between access control and landscaping, so what Mr. Vanover does is use what is budgeted under access control, and attribute the balance to landscaping. By year's end it all evens out.

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

**MANAGER'S REPORT**

**A. NTP/Construction Start-Perimeter Fencing**

Carter Fencing began the work on Tiburon the previous week, and Mr. Vanover noted that they began on the Serafina area as the gold course there is closed for three weeks and this is the best time to get it done. Mr. Vanover walked the area at Serafina with the lead foreman at Carter Fence and the work looks very good. They expect to complete that work by the following Monday at the latest, and then move on to another small, 400 to 500 foot section adjacent to Escada. The entire Tiburon Golf course damaged fence will be completed by the end of the month.

The next area they will address will be Watercrest, and then the Gables. Once the Gables is completed, they will do the other outlying fences. That work should be completed by the end of August or early September, and Carter Fencing will be working on some Saturdays to ensure that this happens.

**B. Hurricane Irma Landscape Update**

Mr. Vanover reported that they have been working on the Ventura area, and while at this point the crews are very busy trimming bushes and spraying weeds, they have just a bit more sod

***Pelican Marsh CDD – Minutes***

***July 18, 2018***

***Page 4***

to put down at Ventura, and then they will work on the residential side of that area. Once that is done, they will focus on Arielle and Grand Isle. Hopefully at that point they can start work on the areas that have had the chain link fencing repaired or replaced.

Chairman Garofalo clarified that the workers will continue to mow every week, but they will skip trimming the shrubs every other week, and work on installing shrubs on those alternate weeks. The stone fences are being taken care of first as there is no more construction being done on them. It will take several more weeks to do this job, as there are thousands of shrubs to be planted.

**C. Hurricane Irma FEMA Status**

Mr. Vanover met with the FEMA representative the previous week, and was advised of the status of the progress of the eight projects going through the FEMA process. There are five levels of review at the Federal FEMA, and then the accounting firm of Ernst and Young out of Atlanta will check the numbers for the State of Florida FEMA, which will then issue Pelican Marsh the checks.

Three of the eight projects, including the chain link fences, the stone fences and the pedestrian bridge damage have passed all levels of the FEMA review, and are now in the hands of the Ernst and Young firm. The total of those three projects is about \$300,000.

**D. Hurricane Financial Status**

The separate financials status on Hurricane Irma show a balance of \$551,000, and the \$77,000 that was collected from insurance was added into the balance to increase it. The expenses are debited and the income is added to give the checking account balance for FEMA. At some point when the FEMA money starts coming in, the second column of this will be added to. There is probably \$700,000 to \$800,000 remaining at the Federal level of FEMA, and when this process is completed, it will be an expenditure of somewhere around \$1.1 or \$1.2 million.

***Pelican Marsh CDD – Minutes***

***July 18, 2018***

***Page 5***

The contractor agreed verbally to charge labor and materials for this job as opposed to a flat fee, as a third of the fencing needed no repair, a third needed minor repair, and a third needed major repair. Chairman Garofalo feels that the amount charged will be less than the contract of \$269,000.

Gary Gorran from Watercrest asked if they had a bottom line estimate as to the cost to the CDD for the hurricane. The Chairman indicated that until the refunds are received from FEMA, they won't really know what percentage of the amount submitted was reimbursed. The \$900,000 submitted did not include the fence. The FEMA representative on his own submitted the fence costs to the Federal Government, so it is above and beyond what the District submitted, and brings the amount up to roughly \$1.1 million.

Additionally, the Chairman indicated that they had never heard of any reimbursement from the State, and that part of the process is just a formality. Potentially, the District will receive \$750,000 in reimbursement payments. If it is received, added to the current balance of \$550,000, the total comes to \$1.3 million.

Mr. Vanover indicated that about one half of Hurricane Wilma's costs were reimbursed, and although this reimbursement is taking longer, he felt that they would receive a bigger percentage. FEMA allowed the District to put expense money on the list for reimbursement, which means that they are reimbursing part of the District's labor. Chairman Garofalo advised that there is a possibility that they would end up with the same amount of money in those funds that they had before Hurricane Irma.

**E. Insurance Renewal FY 2019**

A detailed list of insurance coverages at the District was included in the Board's packet, and Chairman Garofalo urged the Board members to go through it to see all the coverage that is in place. It will also give the Board a chance to see if any of the items need to be questioned, such as an item he found that is being insured, but no longer exists.

***Pelican Marsh CDD – Minutes***

***July 18, 2018***

***Page 6***

Mr. Gorran asked if an independent firm had ever been asked to come in and review all the policies to see if they were under or over insured in any way, or if there are items that don't need to be insured. The Chairman advised that they use a broker to get them the best possible coverage. The asset value of the coverage is \$1.4 million, plus the vehicles are all insured as well.

Also included in the information in the Board's packets is an explanation of the executive meeting that is held a month before the regular meeting, where they go over the entire agenda and the book to see if they have the right items on the agenda and all the data on them is provided. If the data is not available, the item is removed from the agenda as a decision could not be made. Part of the reason for this extra information is Chairman Garofalo's desire to have someone take over the Chairman position, and he wishes to have everyone aware of what the Chair is responsible to do and to make them comfortable assuming this responsibility.

**ATTORNEY'S REPORT**

**A. ADA Requirements for CDD Websites**

Mr. Pires advised the Board that many Development Districts have been sued because their websites have not met ADA requirements. The insurance carriers have stepped up and retained counsel to defend those districts, and he advised the Board that they may need to substantially slim down the District website in the future, and have only statutorily required material on it.

Mr. Pires will be making a presentation on this in the future, but he did want to give the Board a head's up on this ongoing issue. He also noted that insurance carriers may be hesitant to insure CDDs that are not ADA compliant.

In response to a question from the Board as to what an ADA compliant website is, Mr. Pires noted that there is some software available that can make a website have a component where a handicapped person can be provided other interaction to make information available.

***Pelican Marsh CDD – Minutes***

***July 18, 2018***

***Page 7***

The Statutory requirements for websites are minimal, but to the extent that there is extraneous information on the website, it may be prudent to remove that.

Winn Dixie had a judgment against them the previous year in a store on the East Coast, but from the CDD perspective, Mr. Pires has seen Motions to Dismiss and Motions to Stay or Vacate proceedings pending possible settlement.

Chairman Garofalo noted that Jim Powers, who is no longer with Dorrill Management, continues to do their website, and a couple of months ago an issue arose where a document was buried under hundreds of sets of monthly meeting minutes. The minutes are now separated from policy information. Mr. Pires suggested that they go over these policies that are on the website, and each document must be assessable, and there is a cost associated with that.

There are firms in the area that can consult with the District and advise them on compliance, and there are some recommended guidelines that have not been adopted. Mr. Pires did not think that the minutes are required to be posted on the website, but he will check on that for the Board and bring back a list of what is required to be posted, along with the names of firms they may want to check with on ADA compliance issues. Unfortunately this may lead to more frequent document requests in the future, which involves some costs, but this will be discussed further in the future.

Mr. Randall from Watercrest asked if there was a standing issue with these lawsuits, and Mr. Pires indicated that while this is not his area of practice, what he has seen is whether or not a person suffers from a disability. These same issues will probably apply to the Foundation website as well. Mr. Pires will send Mr. Randall some legal forms gratis.

Chairman Garofalo noted that when Mr. Dorrill returns they will have some further conversations on this, and Mr. Pires added that Lely was sued, the Gateway was sued, the Colonial County Club, the Gateway in Fort Myers, and others.

***Pelican Marsh CDD – Minutes***

***July 18, 2018***

***Page 8***

**B. Permit Modification**

The South West Florida Water Management permit for the land that was deeded to the County needs to be modified.

**ENGINEER’S REPORT**

There was nothing further from Mrs. Clancy other than the permit modification as noted above.

**SUPERVISORS’ REQUESTS**

Mr. Vanover briefly reported that the bears at Tiburon have either been trapped or chased away, and one has not been seen since the first sighting.

**PUBLIC COMMENT**

No public comment was received at this time.

**ADJOURNMENT**

The next meeting will be held on August 15, and the meeting was adjourned **On a MOTION and a second at 9:45 a.m.**