

**PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD OF SUPERVISORS MEETING
February 19, 2020**

The Board of Supervisors of the Pelican Marsh Community Development District met on Wednesday, February 19, 2020, at 9:00 a.m. at the Pelican Marsh Community Center, Naples, Florida.

APPEARANCES:

Edward Walsh, Chairman
Don Pomerantz, Vice-Chairman
Gordon Walker, Treasurer
Joe Diaz, Assistant Secretary
Tony Scire, Supervisor

ALSO PRESENT:

Neil Dorrill, Dorrill Management Group
Brent Burford, Johnson Engineering
Tony Pires, Board Counsel
John Vanover, Operations Manager
James Calamari, Access Control

ROLL CALL

All Board members were in attendance.

PUBLIC COMMENT

Sandy Mintz from Troon Lakes advised that in reviewing their community insurance, they discovered that they were responsible for liability insurance for their two lakes. He asked the Board for verification on that, as the CDD does maintain them. Mr. Pires noted that the District does operate, maintains and owns those lakes by virtue of a dedication of easement, so he could not advise whether Troon Lakes had to carry liability insurance. The last time Mr. Pires looked at the list for all the lakes and the District's interest in them, he noted that the District has an easement over the Troon lakes, and the Association still was the owner. The District has

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Liability insurance for them as they are responsible for the operation and maintenance of the lakes. Whether or not the Troon Lakes HOA has liability as they are the owner was not something Mr. Pires could answer. He noted, however, that whenever something happens, lawyers will go after as many people as possible.

Mr. Dorrill suggested that the HOA Board discuss what would be in their best interests as the owners of the land. Mr. Pires advised that if it meets with the Board's approval, he could retrieve the records from the Clerk and Property Appraiser's offices for Mr. Mintz.

Mr. Pires clarified for those present that the District owns and controls the lakes because they have an easement and are the operating entity under the South Florida Water Management permit.

This is not the case with all the lakes in Pelican Marsh, where the District owns the deed and holds the easement that obligates it to maintain other lakes in the District. Mr. Pires will provide the list that was prepared several years ago, which was updated in August of 2016 with the engineer and the manager, as to the interest that the CDD has in the lakes as well as the interests of other entities, to the Chairman and to Mr. Mintz as well.

Mr. Pires advised the Board that they may want to discuss taking ownership of some of these lakes if an association wants to convey it. In response to a question from a Board member, Mr. Pires advised that the District owns several lakes in Timarron.

Mr. Walsh suggested to Mr. Mintz that even if their HOA finds that it does not own the lake, it may be wise to have some liability insurance, as in the case of an accident, the attorneys may go after the HOA anyway.

At this point Mr. Pomerantz asked Mr. Pires if he felt the warning signage the District has around the various lakes is sufficient as it relates to alligators. Mr. Pires advised that the question was whether there were nuisance alligators reported and/or incident reports, which are the factors that are taken into consideration. Mr. Pires will update and provide the memo he prepared two years ago regarding alligators to the Board for their consideration at the next

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Board meeting.

APPROVAL OF AGENDA

The agenda was unanimously approved as presented on a MOTION by Don Pomerantz and a second by Joe Diaz.

APPROVAL OF MINTUES OF JANUARY 2020 BOARD MEETING

On Page 2, Lines 13 and 17, the gentleman's name is correctly spelled as noted, Seewright.

On Page 3, Line 15, the full starred name is Paul Madery, who is the general manager of the Pelican Marsh Foundation.

On Page 3, Line 21, it was not Mr. Vanover who reported that his mailbox had been hit, and Mr. Vanover's name was changed to "a resident".

On Page 7, Line 21, the speaker was Mr. Bedran.

On a MOTION by Tony Scire and a second by Don Pomerantz, the minutes were unanimously approved as amended.

FINANCIALS

The December 31, first quarter financials showed \$4,070,000 in cash, the bulk of which was in reserves for contingencies, capital and cash flow. The other assets are substantial and reflect the value of the land, principally the road right-of-way, the operations site and the preserves, which are all owned by the CDD. In addition to the land there are the guard gate facilities and the maintenance facility, all of which total roughly \$25,000,000 in other capital assets, offset against depreciation. At the end of the first quarter, the total assets stood at \$29,046,000 against \$36,000 in payables.

The income statement showed a large payment received from the tax collector for non ad valorem assessments during the month of December in the amount of \$1,000,452. The total year-to date was \$2,900,000 in the first three months of the fiscal year, almost 85 percent of

the entire annual revenues. Approximately 7 to 10 percent more is expected to be received in January for payments that were made late and were not booked until the first or second week of January.

Nothing unusual was noted under expenses with the exception of mulch, as most of the mulch, or pine straw, for this part of the country comes from north Florida and southern Georgia. The pulp wood from which this product is derived was affected by Hurricane Irma and the price has gone up substantially. This product will be over budget for the remainder of the year.

All expense categories were slightly above average for the first three months by \$20,000, on a \$4,000,000 budget.

Some of the District's expenses are front loaded, such as mulch and insurance, as premiums are prepaid for the entire year. Additionally, thousands of flowers are purchased early on for the entire year.

On a MOTION by Don Pomerantz and a second by Joe Diaz, the financials were then unanimously accepted by the Board.

MANAGER'S REPORT

A. Spanish Moss Signage

The problem with the turning radius for large delivery vehicles in this neighborhood has been addressed, and a sign has been ordered advising these vehicles of the difficulty they will encounter if they try to turn around at the end of this dead end road.

B. G. Pavement Survey Update/Boardwalk repairs

The Board was provided with information on the major capital improvement projects out as far as five years, and then they projected it out for another two years.

Information was provided on the pavement survey to identify the areas that need to be milled and repaved as part of ongoing maintenance. There is about \$150,000 worth of eligible work.

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It includes some of the oldest areas along Pelican Marsh Boulevard closest to US 41, and the approach to Bay Colony. The Chairman had asked staff to project well in advance of next year's budget what those costs would be. This work is paid for by the square foot, and bids will be taken to determine exact costs. This will be the third phase of asphalt repairs.

Historically minor repairs have been done on the boardwalk that crosses the Cocohatchee Preserve, which has paths for pedestrians and bicycles, and one for golf carts. This bridge is owned by the District. Over the course of time the bridge, which is 25 to 30 years old, is going to need to be rebuilt.

The engineer's report, which has been done on a preliminary basis, indicates that the initial portion, the pedestrian and bicycle path, is in worse shape than the golf cart path. Those costs would be \$600,000, and then an additional \$1,500,000 would be needed if it is determined to be necessary to replace the pilings and the cross, structural pieces. There are no immediate concerns to address this bridge for the next two to three years, but it will be re-evaluated in two years to see if the pedestrian portion needed to be done, probably in 2023. The golf cart portion could then be addressed in 2026.

The District will continue to accumulate cash for these types of projects so there will be cash on hand to undertake them as needed.

Mr. Walsh added that as it relates to paving, they have been pushing the work back, but it is necessary to address it next year along with erosion control.

Mr. Gorran asked if the Pelican Marsh golf club could be asked to contribute to the cost of the golf path over the bridge. Mr. Walsh noted that this won't be done until 2026, and he had not given much thought to it beyond the shape it is in and when they should address it.

Mr. Dorrill noted that it should be noted that all three golf courses as well as the Ritz Carlton and all of the shops at the Galleria Vanderbilt pay substantial non ad valorem assessments annually. There is quite a bit of financial support that comes from the private clubs in this community.

C. Augusta Line-of-Site Issue

The engineers went out with their traffic people to this area and prepared a summary for the Board. There is a line-of-sight issue at the entrance of the Augusta Community as determined by the engineering analysis. It is recommended that the speed limit be lowered to 15 miles per hour at the approach to the s-curve. In addition there are some landscape conflicts at the entrance which is the responsibility of the HOA of that community, which they have been advised of.

There is also a big Calusia hedge which is on private property, and the way the hedge runs down the property line as the s-curve is approached also blocks the line-of-sight heading west on that street.

The CDD is making plans to address their portion of the problem, and the complete analysis will be shared with the Augusta HOA as well as the individual who owns the lot on the corner. Mr. Pires added for clarification that the minutes should reflect that the CDD will only be responsible for the vegetation that is within the road right-of-way or any other areas that are the CDD's responsibility. He also pointed out that the County's Site Development Plan and Land Development Code have line-of-sight requirements, which the Association and the landowner should be aware of.

D. Lakebank Erosion Project

Mr. Dorrill briefly explained how the Geotube works, and what the process is for reclaiming the lake bank. The District has been doing these projects at various lakes for the prior five or six years, and it is usually done in the spring as the dry season starts. The preconstruction conference has been scheduled for the following Monday with the five neighborhoods that will have their lakes done this year.

Mr. Walsh added that the way the capital plan is set up, next year they will spend an additional \$160,000 to \$170,000 for erosion control, and the following year it will be \$80,000 to \$90,000.

E. Galleria Crosswalk

This item is the proposed pedestrian crossing at the Galleria shops across the road that is owned by the CDD. A summary by Mr. Vanover and the engineer's preliminary estimate of the probable costs, along with an aerial sketch, was provided to the Board. The sketch shows the alignment of the crosswalk, and the proposal is that the District and the Galleria shop owners will share in the cost of the crosswalk equally. The CDD will be responsible to pay for the portions across the public drive on Galleria Drive, and this is consistent with what the District has done in the past where it is also benefitting private property. This information has been provided to the Galleria shops and staff is now waiting to see what they want to do.

This item was requested by the owners at the Galleria shops for safety purposes for themselves and their patrons. The maximum cost will be \$30,000, which includes the contingency and permitting.

Mr. Mintz noted that the east side of their property, Troon Lakes, backs up to these commercial buildings, and they have approached the owner several times about maintenance of the fence separating them. There are overhanging branches and some areas of the fence are in disrepair. He asked if some pressure could be put on the Galleria owner to take care of these issues.

Mr. Walsh indicated that he and Mr. Vanover would go over and take a look at it and see what can be done about this issue, which will be treated separately.

F. Surplus Property Authorization

Mr. Dorrill advised that they are about to take delivery on their first hybrid electric patrol vehicle, which has been retrofitted for patrol purposes, and gets 37 mile to the gallon. As a result of that purchase, the Board was asked to declare the existing patrol vehicle as governmental surplus property so it can be sold at the auction, as required by Florida law.

On a MOTION by Tony Scire and a second by Don Pomerantz, the Board unanimously authorized the old patrol vehicle to be declared as surplus property and sold at auction.

Sealed bids will be accepted, and the Board will authorize the bids when they are received.

H. Streetscape Master Plan Proposal

Mr. Dorrill indicated that this streetscape plan is one of the District's major initiatives of the current year. He noted that some of the plants in the medians and adjacent streetscape are at the end of their useful life. The proposal is to undertake a re-landscaping master plan on Pelican Marsh Boulevard from the Airport Pulling Gate to US 41.

The plan, presented by Ellen Goetz of the Goetz and Stropes firm, would also include professional renderings, and photo shopped pictures of the present condition of the landscaping and what it would look like after it is replanted. The total for this segment of the master plan is \$13,000, split between an evaluation of the existing landscape conditions, and preparation of the documents would be \$9,400. Staff is recommending approval of the plan.

On a MOTION by Don Pomerantz and a second by Tony Scire, the Board unanimously approved the landscaping plans presented by Mrs. Goetz and agreed to move forward with the master plan for Pelican Marsh Boulevard.

Peter Heard from Troon Lakes asked if there was any interest while doing this project to consider doing the sidewalks. Mr. Walsh explained that the CDD controls everything from the sidewalks in, which is what they are looking at. Mr. Heard explained that a lot of people walking in the street as the sidewalks are so crooked from the tree roots. Mr. Vanover advised that they do an annual assessment of that issue, and Mr. Walsh added that they do about \$20,000 a year on sidewalk repair. He asked this resident to alert Mr. Vanover to the areas that were in need of repair, and they will work on them this spring.

ATTORNEY'S REPORT

Mr. Pires had nothing to report to the Board.

ENGINEER’S REPORT

A. Inspection of Box Culvert

A pothole on Pelican Marsh Boulevard, that caused concern as there is a culvert underneath it, was checked by a diver. Mr. Burford explained that there were two box culverts sitting there, and the diver reported that all the joints looked good, and everything underneath there, including the box culverts themselves, were in good condition. The problem is on the surface, and the repair will be done this fall when the other areas are addressed.

PUBLIC COMMENT

Paige Genetty, the head of the new Long Range Planning Committee of the Pelican Marsh Foundation noted that she has heard from many people that one of the biggest strengths of the CDD is the lush landscaping at Pelican Marsh. She wanted to make sure that the Board considered that as they moved forward with the streetscape master plan. Mr. Dorrill advised that at some point they will have a design workshop with Mrs. Goetz to present the concept plans, and show photographs of the suggested plants for shade and sun. Mr. Dorrill encouraged the Foundation’s Long Range Planning Committee to attend.

Jerry *** from the Gables noted that the curbs are gray and dirty and could use some cleaning. He suggested that with the beautification going forward, perhaps they could do that as well. Mr. Walsh advised that one of the things they will look at this year is putting a plan in place where on an ongoing basis the sidewalks and curbs are power washed along with the gutters and areas around the flowers. A proposal to the curbs and gutters was received, and funds to do this work will be included in next year’s budget. The following year, the sidewalks will be power washed, and every year they will rotate the work.

Mr. Walsh asked Mr. Vanover to have the curbs and gutters cleaned along Galleria Drive by staff, which was done. He asked those present to take a look at them. Mr. Vanover will check to see what the costs would be to include a chemical agent into the water to clean these areas.

SUPERVISORS' REQUESTS

At Mr. Pires' request Mr. Dorrill advised the Board that it appears that the County is preparing to four lane a portion Goodlette Road from the Arthrex Headquarters down to the bridge on the north side towards Immokalee Road. The District is not a party to that, but the long term plan is the necessity for an additional two lanes of bridge over the District's boulevard. The Board will be kept updated on this.

Mr. Randall from Watercrest asked if any of the widening on Goodlette-Frank Road would include the widening of the area near the tennis courts on the east side. Mr. Dorrill noted that it appeared it would all be on the west side, and Mr. Pires added that the County owns the road right-of-way, and wherever that extends to is not yet known.

ADJOURNMENT

The March meeting will be held on the 18th at Tiburon in the community center facility. **On a MOTION by Don Pomerantz and a second by Gordon Walker, the meeting was adjourned at 9:49 a.m.**