

1 PELICAN MARSH COMMUNITY DEVELOPMENT DISTRICT
2 NAPLES, FLORIDA
3 Regular Meeting of the Board of Supervisors
4 April 20, 2022

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6 The Regular Meeting of the Pelican Marsh Community Development District Board of
7 Supervisors was held on Wednesday, April 20, 2022, at 9:00 a.m. at the Tiburon Health
8 and Fitness Center, Naples, Florida.
9

10 SUPERVISORS PRESENT

11 Edward Walsh, Chairman
12 Joe Diaz, Secretary (via Speakerphone)
13 Tony Scire, Treasurer
14 John Minty, Supervisor

15 ALSO PRESENT

16 Neil Dorrill, Manager, Dorrill Management Group
17 John Vanover, Operations Manager
18 James Calamari, Access Control Manager
19 Lenore Brakefield, Assistant District Counsel
20 Brent Burford, District Engineer
21 Bill Reagan, Underwriter
22 Nathan Phillips, District Auditor

23 ROLL CALL

24 Mr. Walsh opened the meeting at 9:00 a.m. Three supervisors were physically in
25 attendance, and on a **MOTION by Tony Scire and a second by John Minty, Joe Diaz**
26 **was unanimously approved to participate via speakerphone due to exceptional**
27 **circumstances.**
28

29 PUBLIC COMMENT

30 Dr. Fusco, President of the Timarron HOA advised that the packet of information for
31 new homeowners that she was told would be provided is not available. As she noted to
32 the Board the previous month, she is concerned with the lack of communication
33 between the residents and the Board. She added that she had contacted three

1 members of the Board and Staff, and none of them replied to her, and felt that this lack
2 of response should be corrected.

3 Mr. Calamari indicated that he had received no communication from the resident and
4 was told that Dr. Fusco had been to the Foundation the previous day and was told that
5 the information was available in the packets, and that the homeowners are getting them.
6 The representatives of the Foundation and Mr. Calamari determined what was
7 appropriate to include in that information. Mr. Calamari added that the Foundation and
8 the CDD are two separate entities, and the CDD forms are available online and should
9 be returned to the CDD.

10 The resident reiterated that in her opinion this was not being handled properly and
11 added that the homeowners are very confused. She once again noted that neither Mr.
12 Walsh or Mr. Dorrill returned her email on this issue, nor did Mr. Calamari return her
13 call, which Mr. Calamari again noted that he did not receive.

14 Mr. Walsh noted that the email he had received from the resident did not indicate what
15 the issue was and was not an email he could respond to. The resident then added that
16 she will continue to raise the issue of the lack of communication between the Board and
17 the residents until there are changes and added that the meetings should be held at a
18 better time so more residents could attend.

19 APPROVAL OF AGENDA

20 With the reversal of items 6A and 6B, the Agenda was approved **on a MOTION by**
21 **John Minty and a second by Tony Scire.**

22 APPROVAL OF MINUTES

23 On Page 1, Line 29, the speaker's name is Dr. Fusco, President of the Timarron HOA.

24 Page 3, Line 28, the words "left over" should be changed to "leftover."

25 Page 7, Line 14, the speaker's name is Steve Burke.

26 Page 7, Line 27, the date February 2 should be changed to the 22nd.

27 Page 9, Line 3, Mr. Walsh asked if the term "transportation team" was correct and was
28 advised that the group is referred to this way.

29 **On a MOTION by Tony Scire and a second by Joe Diaz, the Minutes were then**
30 **unanimously approved as amended.**

31 FINANCIALS

32 The four-month financial statement ending in January showed the District having
33 \$3,879,000 in cash, which included the initial contribution to the new capital reserve of
34 \$354,506, as well as the two contingencies for emergencies and cash flow.

1 There were \$76,000 in payables at the end of January.

2 The income statement showed \$224,000 in non-ad valorem assessments were received
3 from the tax collector in the month of January, and year-to-date 90 percent of the
4 expected amount has been received.

5 With the exception of Field Management, the other cost centers year-to-date were all
6 under budget, and the total operating expenses through the first four months was
7 \$131,000 under budget.

8 The third-party billings for the water management cost share agreement were
9 discussed, and the original Naples Daily News building has been sold to the hospital.
10 The agreement that the District had with the newspaper to handle all the water from this
11 building site will now be with an affiliate of the Naples Community hospital as per the
12 successor in assigns provision in the original agreement.

13 **On a MOTION by Tony Scire and a second by John Minty, the financials were**
14 **unanimously approved.**

15 **MANAGER’S REPORT**

16 **A. Audit Presentation**

17 The Board members were provided with a handout of the audit information, and Mr.
18 Phillips advised that the audit was as of September 30, 2021. This audit was done with
19 generally accepted auditing standards and included a variety of required documents,
20 and documents on both an accrual and modified cash basis with a reconciliation.

21 The way District money is being invested and set aside for debt service requirements
22 was looked at, as well as fixed assets and what is taken in and taken off. The opinion
23 showed that everything was fairly stated as of the audit date, and the opinion was clean
24 and unmodified.

25 An internal report was included as well as a report on all the items that the auditor
26 general wished to be assured on as far as any possible problems. The opinion showed
27 that there were no recommendations with the internal controls, and all protocols were
28 followed.

29 The page related to other matters showed a schedule referred to as the MDA, which Mr.
30 Dorrill and his team reviewed and compared to the transactions of the year.

31 The assets and liabilities at that point in time were shown as a total of \$27,000,000 total
32 assets, of which \$25,000,000 were noted to be in infrastructure and equipment.

1 \$1,820,000 was noted in cash which has declined from the year before, mainly because
2 expenses were greater than revenues in 2021. Capital assets also went down due to
3 depreciation. A full page was included showing the full details of the capital assets as of
4 the time

5 of the audit. The debt service was noted to being paid pursuant to the amortization
6 schedule, and the debt service monies were being invested pursuant to Florida
7 Statutes.

8 The statement of activities showed the government method where expenses are noted
9 first, and they have stayed consistent. Expenses declined slightly over the previous
10 year, due to the reimbursements received from the property appraiser and interest
11 expense. Revenue lined up with the budgeted expectations.

12 The fund statement, on more of a cash basis, was also included, and the Series 12
13 bond followed the amortization schedule. Cash in the debt service fund was \$417,000
14 and is now \$462,000. The general fund, which is money set aside for operations, stood
15 at \$3,854,000.

16 The overall assets were \$1,851,000, the bulk of which is cash. A statement of revenues
17 and expenses was included, which was shown to be following all the protocols.

18 Total expenses for the year were \$3,390,000 which was higher than the previous year,
19 due to the landscape project, which was the bulk of the increase, and access control.

20 The debt service was shown on a separate page, which showed that the total
21 outstanding debt as of the date of the audit was \$4,040,000.

22 A page titled subsequent events showed only the payment of debt, pursuant to the bond
23 indenture requirements. There were no litigation disputes that had not been disclosed
24 noted.

25 Budget to actual showed that a budget amendment will have to be made for the debt
26 service fund, as there were more payouts than anticipated, probably due to
27 prepayments. The operating and debt service budgets were shown side by side and
28 showed no issues of compliance. However, on the following page is showed that more
29 than was appropriated was paid out in debt service, and an amendment is needed to
30 acknowledge that.

31 Mr. Walsh asked for an explanation on this, and Mr. Dorrill advised that in certain cases
32 when people buy a unit at Tiburon and it changes hands, if people elect to prepay the

1 debt, many times a contractual obligation would require that the current owner pay off
2 the bonds as part of the purchase of a home.

3 Another report indicating that the money, especially what is in the debt service fund, is
4 being invested in compliance with Statute 218, and this is also required by the auditor
5 general. Also included was a report indicating that there were no illegal acts, no fraud
6 was noted, or any findings that needed to be reported.

7 Towards the end of the audit, Mr. Phillips pointed out that there is a page listing the
8 number of things the auditor general wanted to be addressed, and Mr. Dorrill and his
9 team had provided all that information.

10 The requirements for putting this in the auditor general's software and do benchmarking
11 was noted, and the Board of Governance letter was included as well, which showed that
12 the District's policies have been consistently applied,

13 adjustments were indicated, and no disagreements were noted with staff where
14 information was withheld, and no whistleblowing occurred.

15 **On a MOTION was made by Tony Scire and a second by John Minty, the Board**
16 **unanimously approved the Audit Report, to include the Budget Amendment. Mr.**
17 **Phillips was thanked for his attendance.**

18 B. 2012 Series Bond Refinance

19 Mr. Walsh briefly advised those who were not in attendance at the February meeting
20 that Mr. Reagan had given a report on refinancing the bond for Tiburon.

21 Mr. Walsh noted that he had looked at all the information, and asked Mr. Dorrill to do
22 some determination of what the savings would be for individuals, which will be
23 significant. The overall percent savings is 21 percent.

24 Mr. Reagan then walked the Board through the closing documents, and noted that this
25 was a small transaction, and the current outstanding debt was noted to be \$4,030,000.
26 The new bonds will be \$3,460,000. The overall savings, including discounts and fees, is
27 around 21 percent. The lien amount against the individual units is being reduced by
28 \$965 up to \$2,900.

29 All the documentation has been done, as he wanted to be sure to get this rate for the
30 District.

1 Mr. Reagan introduced Mrs. Cynthia Wilhelm, bond counsel, who drafted all the
2 documents, and she briefly went through the first resolution, 2022-2, which approves
3 the refinancing, how it works, and what was involved.

4 Lenore Brakefield then indicated that Tony Pires advised that he had gone through all
5 the documents and approved them and has no issues with the documents.

6 **On a MOTION by Tony Scire and a second by Joe Diaz, Resolution 2022-2**
7 **approving the financing was unanimously approved by the Board.**

8 Resolution 2022-3 was reviewed; the Supplemental Assessment Resolution approving
9 the new assessments that are being put into place. It goes through the differences in
10 the interest rate and the difference it will make in the assessments. Once again, it was
11 noted that Mr. Pires has reviewed and approved this resolution.

12 **On a MOTION by John Minty and a second by Tony Scire, Resolution 2022-3 was**
13 **unanimously approved by the Board.**

14 C. Budget Amendment 2022-1 Building Renovation

15 This resolution is to reflect the forecasted expenditures for the gatehouse replacement
16 project, and to move \$100,000 from the capital reserve fund into the operating budget to
17 pay for the design and permitting phases.

18 Mr. Walsh then noted that last year they didn't have a capital reserve, and they created
19 one with a deposit of \$245,000. In the future they will be doing more of these
20 amendments to move money into the operating budget to pay for these improvements.

21 **On a MOTION by Tony Scire and a second by John Minty, the Board unanimously**
22 **approved the transfer of the \$100,000 into the operating budget under Resolution**
23 **2022-1.**

24 D. Landscape Renovation - Galleria Drive

25 Mr. Dorrill advised that the Galleria entrance landscape renovations are 95 percent
26 completed, and the perimeter wall was also cleaned up on the north side with new
27 landscaping as well. This completes the last phase of the landscape renovations that
28 the Board undertook a year ago.

29 Mr. Walsh thanked Mr. Vanover for the work, noting that he agreed, it looked very good.

1 **ATTORNEY’S REPORT**

2 **A. Egrets Walk**

3 Lenore Brakefield advised that Mr. Pires is speaking with counsel for Egrets Walk the
4 following Thursday, as he disagreed with some of the proposed edits. It was expected
5 that Mr. Pires will bring the updated agreement to the April meeting.

6 **ENGINEER’S REPORT**

7 Mr. Burford introduced Joe DeBono with the transportation team at their firm, and they
8 recently did the drain inspection, particularly paying attention to Grand Isle, and the
9 pavement survey. Mr. DeBono noted that he was an engineer with the transportation
10 department at Johnson Engineering and advised what they had done to determine what
11 was going on with the drainage in the community. They went through several miles and
12 popped open the 16 manhole covers that were requested, and an additional two as well.

13 This is a new service that they are providing to their clients, and he advised that nothing
14 really appeared to be catastrophic as far as the drainage is concerned. Grand Isle was
15 a focal point on the drainage issue, and they went through a couple of other locations at
16 Tiburon. More than half of these covers were fully submerged as the water is high on
17 the lakes, and some were deep enough that visual observations were not able to be
18 done. They were able to measure some of them, however, and there was little to no
19 sedimentation as noted in the report. From what they were able to ascertain, it
20 appeared that everything was operating as intended.

21 As it relates to the roads, there were two locations that were noted, one on Pelican
22 Marsh Boulevard, which was close to the bike path on the side and was felt to have
23 priority. The other was a location on Sweetgrass Way where the roadway looked
24 depressed, and the manhole cover was completely submerged. Further investigation
25 will be needed in this area.

26 This report was noted to be a draft, including the phasing scheme they had set up, and
27 the Board can decide on this before any adjustments are made and it is finalized. Mr.
28 Dorrill asked if he was reading this correctly that it could begin as early as the next fiscal
29 year, and Mr. Walsh asked if the Board members had any questions on this report.

30 Mr. Minty noted that he had no questions at this point, nor did Mr. Diaz.

31 Lenore Brakefield noted that as it relates to the bike path issue, Mr. Pires advised that
32 the public needed to be warned of the danger there immediately. Mr. Vanover will look
33 at it today and mark the area with cones or some

1 other warning device. Mr. Walsh felt that the roadway issues should be addressed as
2 soon as possible and suggested that Mr. Dorrill come back to the Board with a plan on
3 this, as the budget meeting is in May. Mr. Dorrill suggested that they evaluate the cash
4 flow of the gatehouse renovations and determine what funds will be needed for the
5 coming fiscal year. When the probable costs for the roadway repairs are determined, he
6 suggested that the first repair should be on Bay Laurel Drive down to the roundabout.

7 Mr. Dorrill added that the roadway project should be budgeted over three years and the
8 appropriate amount of money spent to do this resurfacing work. The budget workshop
9 will be in May, but the emergency repairs should be looked at to be done with
10 contingency funds. He added that they have a prequalified vendor who can do this type
11 of repair. Staff will go back to Johnson Engineering and get those costs in advance of
12 the May budget workshop.

13 Mr. Dorrill also advised the Board that asphalt prices correlate to the prices of crude oil
14 and gasoline, so that will have to be evaluated as well.

15 A brief discussion was held regarding the fact that now the Board is aware of the
16 dangers in the two areas pointed out by Johnson Engineering, it is their duty to warn the
17 community to prevent any injuries, which was a strong recommendation from Board
18 counsel.

19 Mr. Dorrill asked Mr. Vanover to contact Mr. Sparks with the recommendations of the
20 engineer, and advise him that they will be back sometime during the end of June once
21 the water levels go down to do some additional measurements of silt to see if there are
22 any obstructions in the areas they could not get to at this time

23 SUPERVISORS' REQUESTS

24 A. Stormwater Inventory

25 Mr. Minty asked if there was any update on this inventory, and Mr. Dorrill advised that
26 this is a separate, authorized project that Johnson Engineering was doing, with a
27 deadline of July first for the state. It is essentially to prepare an inventory of the water
28 management assets that are owned and operated by the District, and what, if any,
29 deficiencies are there. Mr. Dorrill asked Mr. Burford if he would check on this work to
30 see if it is underway and advise him via email as to when they can expect the inventory.

31 Mr. Burford noted that the work is underway, and he will be in contact with Mr. Dorrill
32 regarding the attendance costs on this.

1 Mr. Minty asked if this will include the area where the former newspaper was located
2 that is now owned by the hospital, and it was advised that it will not include that area as
3 while the District does receive their water, it is part of a third-party billing arrangement
4 with them.

5 **B. Law Enforcement Presence at Pelican Marsh**

6 Mr. Scire advised the Board that he and Mr. Calamari will be having dinner with Sheriff
7 Rambosk the following Wednesday and will talk to him about supplying support to the
8 District at least twice a month.

9 Mr. Walsh reminded those present that this was discussed at the previous meeting, and
10 the fact that they previously had off duty sheriff personnel at the District on a regular
11 basis. However, with the problems in all schools more police presence was needed,
12 and the sheriff no longer had the extra personnel for Pelican Marsh.

13 While the Sheriff had been approached several times to see if this presence could start
14 again, it appears that there may be an opportunity for that now. This work has been
15 budgeted, and Mr. Walsh advised that the need for controlling the speeders in the
16 District was important, and the sheriff's presence has been a good deterrent to this.

17 Mr. Scire will bring more information on this to the Board next month.

18 Mr. Minty from Troon Lakes noted that he observed a four way stop intersection in
19 Pelican Bay where a patrol car was parked which encouraged people to stop before
20 proceeding.

21 **C. District Monuments**

22 Mr. Walsh advised that there have been ongoing discussions with a firm called Outdoor
23 Productions regarding upgrading the monuments at Pelican Marsh. This is being
24 headed up by Christopher Dorrill, with Mr. Minty acting as a liaison from the Board.
25 More information will be coming to the Board on this issue over the next several
26 months.

27 **PUBLIC COMMENT**

28 No further comments were received from the public.

1 **ADJOURNMENT**

2 The next meeting will be held on April 20th at their community and fitness center. **On a**
3 **MOTION by John Minty and a second by Joe Diaz, the meeting was adjourned at**
4 **10:00 a.m.**