PELICAN BAY SERVICES DIVISION BOARD REGULAR SESSION
NOVEMBER 13, 2019

The Pelican Bay Services Division Board met on Wednesday, November 13, 2019, at 1:00 p.m. at the Community Center at Pelican Bay, 8960 Hammock Oak Drive, Naples, Florida 34108. In attendance were:

**Pelican Bay Services Division Board**
- Scott Streckenbein, Chairman
- Tom Cravens, Vice-Chairman (*absent*)
- Joe Chicurel
- Jacob Damouni
- Nick Fabregas (*absent*)

*Pelican Bay Services Division Staff*
- Michael Fogg
- Peter Griffith
- Denise McLaughlin
- Susan O’Brien
- Rick Swider
- Michael Weir

*Also Present*
- Lisa Jacob, Project Manager
- Mary McCaughtry, Operations Analyst
- Barbara Shea, Recording Secretary
- Jim Hoppensteadt, Pelican Bay Foundation
- Melanie Miller, Pelican Bay Foundation
- Kim Rosenberg, Pelican Bay Foundation

**APPROVED AGENDA (AS AMENDED)**

1. Pledge of Allegiance
2. Roll Call
3. Agenda approval
4. Approval of 10/09/19 Regular Session meeting minutes
5. Audience Comments
6. Florida Sunshine Law - *Time Certain 1:15 PM*
7. Administrator’s report
   a. Sign contract
   b. US 41 berm landscaping
   c. Four-wheel drive tractor replacement
   d. Lake 2-9 lake bank restoration
   e. Staff work plan
   f. October financial report
8. Committee reports
   a. Budget
   b. Clam Bay
   c. Landscape & Safety
   d. Water Management
9. Chairman’s report
   a. Cane toads (*add-on*)
   b. Joint PBSD/PBF meeting (*add-on*)
10. Old business
   a. New maintenance building
   b. Strategic Planning Ad Hoc Committee
11. New business
12. Adjournment

ROLL CALL
Mr. Cravens and Mr. Fabregas were absent and a quorum was established

AGENDA APPROVAL
Ms. McLaughlin motioned, Mr. Damouni seconded to approve the agenda as amended with the addition of items #9a and #9b. The motion carried unanimously.

APPROVAL OF 10/09/19 REGULAR SESSION MEETING MINUTES
Ms. McLaughlin motioned, Ms. O’Brien seconded to approve the 10/09/19 regular session meeting minutes as presented. The motion carried unanimously.

ANNOUNCEMENTS
Mr. Streckenbein welcomed back Mr. Pete Griffith, who has been appointed to the PBSD Board by the Board of County Commissioners (to fill the seat which was vacated by Mr. Dawson). Mr. Streckenbein introduced Ms. Melanie Miller, the new Vice President of Finance Administration of the Pelican Bay Foundation.

AUDIENCE COMMENTS
None

FLORIDA SUNSHINE LAW
Assistant County Attorney Colleen Greene provided a brief presentation on Florida Sunshine Law and one-way communications. She provided a document to the PBSD Board entitled, “Sunshine Law, Section 286.011, Florida Statutes,” which was added to the record. She emphasized five key points for advisory board members to remember, (1) no pre/post meeting discussions, (2) no private conversations on the dais, (3) avoid texting on the dais, (4) may not use non-members as liaisons between board members, and (5) avoid the appearance of impropriety. Ms. Greene stated that she will provide a link to a 20-minute video on Sunshine Law for the PBSD Board members to review, and urged board members to contact her with any questions.

Ms. Greene commented on one-way communications between advisory board members and highlighted the following:

- A board member may send documents via a one-way communication to other board members on matters coming before the board, providing there are no responses.
- A staff liaison should be utilized to send the one-way communication.
- Any two-way communications between board members must be “in the sunshine.”
The County Attorney's Office strongly discourages the practice of sending "position statements" as one-way communications. State Attorney General opinions on this issue will be provided to Mr. Dorrill, for distribution to the PBSD Board.

One-way communications should be used exclusively as an informational tool.

Consequences of violations of Sunshine Law include misdemeanor charges, fines of $500, and removal from the advisory board.

One-way communications should not be used to "supplement" meetings.

Any questions on Sunshine Law should be forwarded to Ms. Greene, for her opinion.

Ms. O'Brien commented on State of Florida Attorney General opinions by Ms. Patricia Gleason stating that position statements by advisory board members are O.K.

ADMINISTRATOR'S REPORT

SIGN CONTRACT

Mr. Dorrill commented that our street sign project is on track; sign bases and utility conflict issues have been resolved. This project includes the replacement of 265 signs which were lost/damaged in Hurricane Irma. Going forward, there will be future phases of the replacement of existing “worn-out” signs. Mr. Dorrill noted that so far, the PBSD has received FEMA reimbursement of approximately $38,000.

US 41 BERM LANDSCAPING

Mr. Dorrill reported that the US 41 landscape renovations project has been completed, on schedule.

FOUR-WHEEL DRIVE TRACTOR REPLACEMENT

Mr. Dorrill reported that staff has ordered our new John Deere tractor, utilizing a State of Florida contract, to be used primarily to pull our beach rake. The purchase is fully budgeted. Our existing tractor will be sold at the County auction in the Spring.

LAKE 2-9 LAKE BANK RESTORATION

Mr. Dorrill reported that the Board of County Commissioners approved the recommendation of award to Quality Enterprises in the amount of $682,722.70 for our Lake 2-9 lake bank restoration project. The PBF has expressed concerns over using the PBF parking lot as a staging area during the busy winter season. Mr. Dorrill stated that three alternate staging areas were considered, but none were viable. As a result, project work will begin after Easter 2020. Staff has chosen to include the bid alternate in the project, which will include the additional seawall length, and keep the total project cost below $700,000.

STAFF WORK PLAN

Mr. Dorrill reported that he has just received staff’s work plan for FY20. Staff has assessed/identified sidewalk segments in need of repairs. Ms. O’Brien questioned whether the PBSD could ask the County for more than the $20,000 which they committed to providing to us for sidewalk repairs this year. Dr. Chicurel suggested that staff triage the list of sidewalk maintenance issues. Mr. Dorrill reported that the solicitation for our PB sidewalk design is out for bid and due back the first week of December.
Mr. Dorrill reported on his meeting with the County’s Finance Committee, which included the County’s Budget Director, the Clerk’s Finance Director, and our Budget Analyst. He reported that the focus for our financing has been a 10-year bank instrument, with a target loan amount of $20 million. Another option is for a 20-year bond which would have higher issuance costs. Mr. Dorrill commented that Mr. Isackson, County Director of Corporate Finance and Management Services, will provide a presentation on financing at a future Budget Committee meeting. Mr. Fogg commented that we do not have a clear idea of the timing of when we need the funding. Mr. Dorrill responded that we need preliminary plans for each of our large capital projects in order to go forward with the financing.

**OCTOBER FINANCIAL REPORT**
Ms. O’Brien expressed interest in the Budget Committee and the PBSD Board evaluating the funding options recommended by the County’s Finance Committee.

Ms. O’Brien motioned, Mr. Damouni seconded to accept the October financial report. The motion carried unanimously.

**COMMITTEE REPORTS**
**BUDGET REPORT**
None

**CLAM BAY REPORT**
Ms. O’Brien provided her November 2019 Clam Bay update in the agenda packet. She highlighted, (1) actual FY19 Clam Bay consulting expenses were approximately $120,000; the PBSD received a FY19 County contribution of $150,000, (2) the November PB Post has an article (by Mary Johnson) on the PB community’s unsuccessful effort to have Clam Bay designated a Manatee Protection Zone, and (3) we now have an approved water quality consulting services purchase order which will enable Dr. Tomasko to prepare his water quality report on the last six months of data.

**LANDSCAPE & SAFETY REPORT**
Dr. Chicurel reported that the Landscape & Safety Committee met on Oct. 17, and the following items were discussed.

1. Pelican Bay’s new Community Policing Deputy, Cpl. Jim McGilvrey was in attendance and addressed, (1) if there is a non-criminal issue in progress, call the non-emergency phone # 239-252-9300, (2) for non-emergency issues that are not in progress, call the North Naples sub-station at 239-252-9100, and (3) Cpl. McGilvrey’s direct contact number is 239-253-5317.

2. Sidewalk Replacement Project: Mr. Jim Carr, our civil engineer, presented the completed survey of Phase II (west side of Pelican Bay Blvd.). North Pointe Dr. and Hammock Oak Dr. were also included. As was the case with the onsite evaluation of Phase I, no hardwood trees or canopy trees will have to be removed within Phase II.
   a. A certified arborist will be employed once construction design plans are developed. The arborist will then “walk” the proposed new sidewalk to ensure that hardwood and canopy trees will not be adversely affected.
   b. As of Oct. 1, 2019, the PBSD is responsible for maintaining and repairing the existing asphalt and future concrete sidewalks in Pelican Bay. The community will be notified to report sidewalk issues to the PBSD directly in future PBF e-blasts and Post articles. In accordance
with a cost sharing agreement with Collier County, the County will provide $20,000/yr. in perpetuity to the PBSD for this maintenance responsibility. In addition, the cost sharing agreement provides for the County to contribute $500,000 for ten years to help the PBSD finance the sidewalk project. Going forward, the PBSD will conduct an annual physical sidewalk assessment and respond to reported issues to maintain PB sidewalks.

3. New street sign bases are being installed throughout the community. Any esthetic issues concerning the height of the bases will be addressed by staff.

Dr. Chicurel commented that assessments of each phase of the sidewalk project have been reported to our residents via e-blasts, and an article will be included in the PB Post when all of the phases have been completed. He commented that during the first quarter of each fiscal year, staff will complete an assessment of our sidewalks for areas needing repairs and maintenance.

Mr. Griffith questioned whether the PBSD has considered possible effects on underground sprinkler systems and conveyance pipes from the sidewalk replacement project. Dr. Chicurel commented that the contractor will have to restore sod, pipes, and sprinkler systems to their pre-construction state. In some cases, we will require additional easements. Mr. Dorrill commented that he will ask our civil engineer, Jim Carr, if any major drainage pipes are located under the sidewalks.

Ms. McLaughlin suggested that we invite Mr. Callahan (County Manager's Office) to a PBSD Board meeting to discuss our frustrations with the County Procurement Office. Mr. Dorrill commented that Mr. Callahan has a new group of employees to assist us with procurement log jams.

**WATER MANAGEMENT COMMITTEE**

Ms. McLaughlin commented that the St. Kitts Association would like to modify their existing pool and extend their deck, part of which would extend over our drainage easement. She stated that staff is recommending that we vacate our drainage easement in the affected area. Ms. O'Brien commented that the St. Kitts Association does not have PBF Design Review Committee approval or all of the required County approvals. She also noted that their plans include extending the deck into a preserve area.

Ms. McLaughlin commented that she attended the most recent Presidents' Council meeting where there was a lot of interest and safety concerns expressed over the increase in the cane toad population (an exotic species) in Pelican Bay. Ms. O'Brien commented that County Attorney Klatzkow has stated that public funds collected cannot be used for the benefit of private property. Ms. McLaughlin noted that cane toads will be an agenda item at the Nov. 21 Water Management Committee meeting.

**CHAIRMAN'S REPORT**

**PBSD/PBF JOINT MEETING (ADD-ON)**

Mr. Streckenbein commented that he has had a recent discussion with Mr. Hoppensteadt and Mr. Bodo, and it was agreed that (1) the next joint PBSD/PBF joint meeting would be held in early 2020, and (2) topics for discussion should only include those which are of mutual interest to both entities. Mr. Streckenbein suggested that the agenda include (1) cane toads, (2) future plans for the 11-acre Watergate Way parcel, and (3) plans and proposals by St. Kitts for their pool and deck area. He suggested that board members provide any other possible agenda items of mutual interest to both boards. Ms. McLaughlin and Ms. O'Brien suggested that our sidewalk project plans be provided/discussed with the PBF Design Review Committee.

**CANE TOADS (ADD-ON)**
Discussed under the Water Management Committee agenda item

OLD BUSINESS

NEW MAINTENANCE BUILDING
Mr. Dorrill reported that he met with Mr. Hoppensteadt and Ms. Warren (PBF Covenants Director), in regards to our proposed new operations facility. The PBF expressed concerns over (1) a two-story building replacing the existing one-story building, (2) safety, access, and zoning related to holding public meetings in the new building, (3) the planned housing of PUD employees who would not be employed solely for the benefit of Pelican Bay, and (4) the sewage treatment plant, located on the Watergate Way parcel, which was decommissioned 25 years ago and is an eyesore to nearby residents. Mr. Dorrill will share this information with PUD Deputy Director Dan Rodriguez and Mr. Callahan. He suggested and the board agreed that the PBSD should press forward with the facility replacement project (which would include an area to house our administrative staff) on our own. He noted that the County Facilities Dept. would manage our project.

Mr. Streckenbein commented that the PBF has requested that we provide a list of our needs for the replacement building. Ms. O’Brien suggested that we need to let the County know that the PBSD Board is no longer in favor of moving ahead with a PUD/PBSD joint replacement facility project. Mr. Dorrill commented that he is not aware of any inspections of the existing facility by any government agencies.

STRATEGIC PLANNING AD HOC COMMITTEE
Mr. Streckenbein formed an Ad Hoc Strategic Planning Committee to be chaired by Mr. Fogg, with Dr. Chicurel, Ms. McLaughlin and himself as committee members. He provided a document entitled “Ad Hoc Committee – Watergate Way Maintenance Building and usage of surrounding 11 acres,” which was added to the record. This document described the scope of work for the committee.

COMMITTEE MEMBER CHANGES
Mr. Streckenbein removed Mr. Fogg from the Landscape & Safety Committee, and appointed Mr. Fogg to the Budget Committee. Mr. Streckenbein appointed Mr. Griffith to the Landscape & Safety Committee.

NEW BUSINESS
None

ADJOURNMENT

The meeting was adjourned at 3:03 p.m.

Scott Streckenbein, Chairman

Minutes approved [ ] as presented OR [✓] as amended ON [12/11/19] date