

Naples, Florida, October 8, 1975

LET IT BE KNOWN, that on this date the Pelican Bay Improvement District Board met in regular session at 4:33 p.m. in Building "F" of the Collier County Courthouse with the following members present:

PRESIDENT: Salvatore Scuderi

TREASURER: Viola Barclay

SECRETARY: Douglas Brown  
Chet Lanning  
Robert Diefenthaler

ALSO PRESENT: Virginia Magri, Recording Secretary; Mr. Harmon Turner, Consulting Engineer for Pelican Bay; Mr. Werner Buntmeyer, Vice President, Coral Ridge-Collier Properties; Mr. Charles Penn, Coral Ridge-Collier Properties, Inc.; Mr. Jim Smith, Attorney for Coral Ridge-Collier Properties; Representatives from Stottler-Stagg & Associates and Messrs. Bolesky, Bruner, Hagaman and Martin, Attorneys.

A G E N D A

1. Call to Order
2. Roll Call
3. Minutes of prior meetings
4. Public Hearing for budget
5. Attorney for District
6. Contract for engineers
7. Old Business
8. New Business

MINUTES OF SEPTEMBER 17, 1975 - APPROVED AS SUBMITTED

Mr. Lanning moved, seconded by Mrs. Barclay and carried, that the minutes of September 17, 1975 be approved as submitted.

BUDGET FOR FISCAL YEAR 1975-76 - ADOPTED

Legal notice having been published in the Naples Daily News as evidenced by Affidavit of Publication filed with the Recording Secretary, public hearing was held on the proposed fiscal '75-76 budget for the Pelican Bay Improvement District.

Mr. Scuderi recalled that at the September 10th meeting the budget was reviewed; the total is \$19,720.00 and that Coral Ridge Properties, Inc. will pay to the District each month the amount that has been approved for payment by the Supervisors against the budget.

There being no further comments Mrs. Barclay moved, seconded by Mr. Lanning and carried, that the public hearing be closed.

Mrs. Barclay moved, seconded by Mr. Lanning and carried that the budget be adopted in the amount of \$19,720.00 as presented.

PRESENTATIONS BY ATTORNEYS

Mr. Scuderi advised that he invited four attorneys to appear before the Board to be considered as an attorney for the District.

Tracy Bolesky said that he started practice in Ohio in 1965 and was with the Richland County Prosecuting Attorneys staff for three (3) years; handled bond validation for the county and school districts; moved to Naples in 1970 and was

with the States Attorney Office for three (3) years, the last 1½ years of that time managing the office and in that capacity any time there was a bond validation he served with the Attorney General.

Mr. Bolesky stated that he left the States Attorney Office in June and entered private practice; is 35 years old and been practicing in Florida five (5) years.

Mr. Smith asked if he represented any elected or appointed Boards that would have any conflict, to which Mr. Bolesky replied "No".

David Bruner said that prior to coming to Collier County he was the Assistant Attorney with the City of Orlando; came to Collier County and served as Attorney to the Board of County Commissioners and this has involved special district work, assessments, ad valorem tax levies and the general conduct of the Board of County Commissioners. Also, he advised the Board in all legal matters and opinions as required. Mr. Bruner said that he is 47 years old; resigned as County Attorney and the Board has a retainer agreement with him that requires a small portion of his time; is now in private practice and has no negotiations in process regarding joining with other attorneys.

Replying to Mrs. Barclay who asked his "batting average" Mr. Bruner cited action taken by George Matthews pertaining bond validations. He said that he has gained an injunction and that each opinion he has issued has been upheld by the Attorney General or the Association of County Commissioners

except one, that being the creation of the Ochopee Fire District, and in that case, the Legislature at their next session overturned the Attorney General's opinion. He said that he has won on decision or appeal every case he has had. Mrs. Barclay recalled that the County Commission was against Mr. Bruner serving on the Pelican Bay Improvement District Board before and questioned their feeling now that he is on a retainer. Mr. Bruner said he does not know what their response would be, but terms of his retainer with them does not preclude him from private practice or anything else. Mr. Bruner said that he is aware of no conflict. Replying to Mr. Smith, Mr. Bruner confirmed that he is the attorney for the Southwest Florida Regional Planning Council and said he can see no conflict with the purpose of the District. He said his functions there are to advise legally and to act as their counsel. Mr. Bruner said that when you speak of conflict he could see none as attorney for Southwest Florida Regional Planning Council and County Attorney, that they would have to seek other counsel.

Robert Hagaman distributed a resume to the Board; stated that his practice started in 1963 in West Palm Beach and that he has been active in real estate, probate, civil litigation, and defense work in criminal cases. He said that he worked as an adjuster for State Farm, worked as a law clerk and worked for a major firm in Sarasota in general practice and was involved in securities suits in the Federal Court. Came to Naples in 1965 and practiced with a firm doing real estate title insurance,

abstract and criminal defense work. Continuing, Mr. Hagaman said in 1965, he formed a firm with another attorney and at that time he was appointed part-time Assistant State Attorney. He said that he has continued practice and worked part-time for the State in a prosecution capacity. Mr. Hagaman said he now has a practice and presently does quite a bit of civil litigation, mechanic lien suits and foreclosures. Replying to Mr. Smith, he said that he does not represent any elected or appointed bodies.

Larry Martin stated he is 32 years old and currently with Vega, Brown and Nichols and that his role is handle general and diversified types of cases. He said his primary concentration is on litigation, both criminal and civil, and he is doing limited probate and bankruptcy. Continuing, he said he graduated from the University of Florida Law School in 1969; was law clerk with a firm in Gainesville; served in the U. S. Army for a number of years doing defense, prosecution and appellate work; been in Naples two (2) years and that as of January of this year he has been an associate with Vega, Brown and Nichols; currently on a salary basis. Mr. Smith asked if he or the firm represented any elected or appointed bodies. Mr. Martin said that the firm has been established for a number of years and that generally they do not represent anyone on a retainer basis. Also, he, individually, is applying-no the firm. Mr. Martin said that if he could not appear at a particular time someone from the firm would cover for him. Mr. Lanning pointed out that the firm is presently handling several large developers.

\* \* \*

At this time Mr. Scuderi reported that he had been asked by a member of the Board to have the attorneys leave the room - which they did.

\* \* \*

GENERAL DISCUSSION REGARDING ATTORNEYS - TRACY BOLESKY SELECTED

Mr. Lanning said that he has observed Mr. Bruner for many months, sometimes under duress, and that he wanted to attest to his knowledge and ability. He said his court record is good; he knows the Act and he far exceeds the Board's needs in knowledge and practical experience.

Mr. Diefenthaler pointed out that Mr. Hagaman's duties with the States Attorney has been good and that he would like to nominate him for attorney for the Board.

Mrs. Barclay questioned if Mr. Bruner's association with the Southwest Florida Regional Planning Council would create a conflict. Mr. Scuderi advised that if there was a conflict either that Board of this Board would have to choose another attorney to handle that particular matter. He added that he could envision no conflict.

Mr. Buntmeyer mentioned that the developer would have to prepare a Development of Regional Impact Study for the area involved and that study would also have to provide information on water, sewer and drainage and be submitted to the Southwest Florida Regional Planning Council and said that he could visualize a conflict.

Mr. Smith pointed out that the Board and developer are supposed to work together and express his hope that they would choose someone other than Mr. Bruner. He said that they have felt nothing but antagonism between him and Coral Ridge-Collier Properties; and there is a potential conflict.

Mr. Buntmeyer said that Mr. Bruner very actively opposed the creation of the District and for that reason he became very familiar with it. He said that Mr. Bruner was so thoroughly convinced at the time that he was right and he cannot see how he can represent the side that he so vigorously opposed. Mr. Lanning said that Mr. Buntmeyer opened a can of worms, advising that the former board (Clam Bay) is needling this Board from time to time that the developer is going to dictate the terms. Mr. Smith said that they only expect to be honest and fair with the Board, but the Board is always on the defense. Mr. Buntmeyer said that he did not make a request-only asked for consideration.

Mr. Brown suggested a compromise and asked the Board to bend a little. He said he is opposed to Mr. Bruner being the Board's attorney for numerous reasons he did not care to go into.

Following a quite lengthy discussion Mr. Diefenthaler moved that Robert Hagaman be selected as attorney for the Pelican Bay Improvement District Board. Mr. Brown seconded the motion and upon roll call vote the motion was defeated 2/3, Mrs. Barclay, Mr. Lanning and Mr. Scuderi casting the dissenting votes.

Pelican Bay Improvement District  
October 8, 1975

---

Mrs. Barclay moved that Mr. Tracy Bolesky be retained as attorney for Pelican Bay Improvement District Board. Mr. Brown seconded the motion and upon roll call vote the motion carried 3/2. Chairman Scuderi and Mr. Lanning dissenting.

**MEMORANDUM**

PELICAN BAY IMPROVEMENT DISTRICT  
BOARD

DATE: October 21, 1975  
FROM: Virginia Magri, Recording Secretary

The minutes of October 8, 1975 inadvertently omitted one paragraph. Please place the attached page 91A behind page 91.

Thank you,

*Virginia*

Mr. Scuderi announced that the Board has voted to retain Mr. Tracy Bolesky as attorney for the District. (The attorneys were called back to the board room and Mr. Scuderi advised them of the action taken. Mr. Bolesky joined the Board at this time.)

Mr. Scuderi said that he assumes the Board will have the same financial arrangement with Mr. Bolesky as they had with Mr. Rhodes; hearing no objection he said he would prepare a letter to Mr. Bolesky to that affect. Replying to Mr. Bolesky, he advised that meetings are held the second Wednesday of each month at 4:30 p.m. unless a special meeting is called.

CONTRACT FOR ENGINEERS - PENDING SIGNATURES

Mr. Scuderi reported that the contract has been signed by the engineers and has been received by Mr. Buntmeyer, who is holding it for a signature by their President this coming week and then it will be made available to him and Mr. Brown for signatures and distribution. He said he will send a copy to Mr. Bolesky. Mr. Turner requested authority to send out the following letter when the contract has been completely executed; noting that it would give the engineer an opportunity to proceed without waiting for the next board meeting.

Pelican Bay Improvement District  
October 8, 1975

---

## Pelican Bay Improvement District

Collier County Courthouse  
Naples, Florida 33940

Board of Supervisors

Salvatore C. Scuderi  
President  
Douglas G. Brown  
Secretary  
Mrs. Viola Barclay  
Treasurer  
Chester M. Lanning  
Robert Diefenthaler

October , 1975

Mr. Charles E. Moehle, Jr.  
Stottler, Stagg and Associates  
8660 Astronaut Boulevard  
Cape Canavarel, Florida

Gentlemen:

Enclosed please find one fully executed copy of the Agreement between Coral Ridge Properties-Collier, Inc., the Pelican Bay Improvement District and your firm providing for the preparation of water management plan and feasibility report, water service plan and feasibility report and sanitary sewers plan and feasibility report.

Please consider this your official Notice to Proceed for this project. Please be kind enough to acknowledge receipt of this notice in the space provided below and return one copy to the undersigned.

Yours very truly,

Acknowledgment  
STOTTLER, STAGG AND ASSOCIATES

By: \_\_\_\_\_

Date: \_\_\_\_\_

Mr. Brown moved, seconded by Mrs. Barclay and carried that Mr. Turner be authorized to send the above letter when the agreement is executed.

BILLS APPROVED FOR PAYMENT

---

Mrs. Barclay, Treasurer, presented the following bills for payment:

Harmon Turner	\$250.00
Rogers, Moon & Townsend	155.00
Naples Daily News	1.40
Naples Daily News	3.74
Board of County Comm. (secretarial)	30.73
Board of County Comm. (secretarial)	11.20
Donald Rhodes	650.50

Mr. Lanning moved, seconded by Mr. Brown and carried that the bills be approved for payment.

AUDIT FOR YEAR ENDING SEPTEMBER 30, 1975 - ACCEPTED

---

Mrs. Barclay presented the audit from Rogers, Moon & Townsend for fiscal year ending September 30, 1975. Mr. Lanning moved, seconded by Mr. Brown and carried that the audit be accepted.

(Copy appears on record in the files).

Mr. Smith recalled that the Act designates where the audit should be sent, adding that he believes it to be the Comptroller's office. Mr. Scuderi asked Mr. Bolesky to determine through the Act where the copy should be sent.

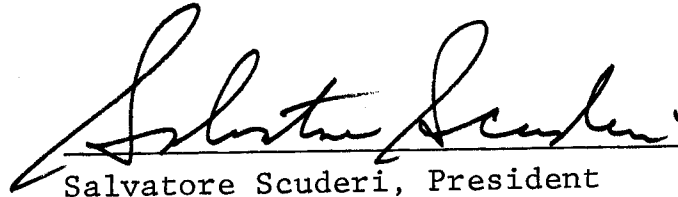
\* \* \*

Pelican Bay Improvement District  
October 8, 1975

---

There being no further business, Mr. Diefenthaler moved, seconded by Mr. Brown and carried that the meeting be adjourned. Time 5:45 p.m.

PELICAN BAY IMPROVEMENT DISTRICT BOARD



---

Salvatore Scuderi, President