

Naples, Florida June 22, 1978

LET IT BE KNOWN, that the Pelican Bay Improvement District Board met in regular session at 4:30 P.M. in Building "F" of the Collier County Courthouse Complex with the following members present:

PRESIDENT: Salvatore Scuderi  
TREASURER: Viola Barclay  
SECRETARY: Douglas Brown

Harmon Turner  
Absent: Robert Diefenthaler

ALSO PRESENT: Jean Swindle, Recording Secretary; Tracy Bolesky, Attorney for the Board; Messrs. Werner Bunte-meyer, Byron Koste, Charles Penn and Grover Ericksen (General Manager) of Coral Ridge-Collier Properties; George Varnadoe Attorney of Smith, Young & Blue; Fred Biery of Post, Buckley, Schuh & Jernigan; Lynn Villios of Hawkins, Delafield & Wood, New York Bond Counsel and Gary Moyer, Coral Springs Improvement District.

#### AGENDA

1. Roll Call
2. Minutes
3. Passing of District Bill Amendment
4. Discussion of Consumptive Use Permit
5. Plans filed with County
6. Bond Resolution for Water and Sewer
7. Discussion on District Manager
8. Invoice No. 11
9. New Business

ROLL CALL

The meeting was called to order. It was noted by President Scuderi that Robert Diefenthaler was not present.

MINUTES OF MEETING OF MAY 9, 1978 - APPROVED AS CORRECTED

Mr. Harmon Turner moved, seconded by Mr. Brown and carried unanimously 4-0, that the minutes of May 9, 1978 be approved with the following correction.

Page 480 In the first paragraph under New Business - the sentence beginning "Mr. Buntemeyer related that it would be helpful at the present time to have a manager, however, suggested ~~only~~ having someone part-time within the next three or four months."

In the second paragraph under New Business - first sentence should read "----- that Gary Moyer, 'District Manager of Coral Springs Improvement District'

PASSING OF DISTRICT BILL AMENDMENT - REPORT BY GEORGE VARNADOE, ATTORNEY

---

Mr. Varnadoe stated that it was at President Scuderi's suggestion last October to have the Act amended so that off-site water procurement could come under the jurisdiction of the Pelican Bay Improvement District Board. This was done and the amended Act was passed by both Houses of legislature with the Governor of Florida signing the amended District Bill on June 14, 1978. Mr. Varnadoe, in way of explanation, said the passing of the District Bill Amendment made it "law" and does give the Pelican Bay Improvement District the power to go "off-site" to procure water and if necessary, later on, to pick up the sewer facilities. He continued that such an Act was necessary for Pelican Bay to be considered for a "consump-

tive" use permit by South Florida Water Management District. Mr. Varnadoe made mention of the fact, that even though, Governor Askew has made it a policy not to sign local legislation, he did sign two local bills - both from Collier County - one being the Collier County Water/Sewer bill and the other being the District bill Amendment for Pelican Bay.

DISCUSSION OF CONSUMPTIVE USE PERMIT

Mr. Fred Biery of Post, Buckely, Schuh & Jernigan, stated he and Mr. Turner had attended the meeting of the South Florida Water Management District Board on June 15, 1978, receiving at that time, the approval of the Board of Governors/ South Florida Management District for the application filed with them some several months ago. Mr. Biery said this means that Pelican Bay Improvement District now has an approved permit for a well field with a maximum of three million gallons per day withdrawal as of now but with an open opportunity to update the original request at a later date.

PLANS FILED WITH COUNTY - REPORT BY FRED BIERY

On June 16, 1978, it was necessary to submit to Collier County the first plat for their approval, Mr. Biery reported, which included water management plans; water/sewer agreements; utility lines within the first plat and stated the submitted plans are 98% completed. He continued that the plans for the water/sewer plant; the pipe line and the well field have also been filed; the plans for the first contract for the water management system have been filed and in conjunction with the plat, itself, the subdivisions

and the lines and the areas that the developer will be going ahead with - those plans and specifications have been completed. Mr. Biery concluded with the statement that he had brought for the board's review the above-referenced plans and specifications.

President Scuderi voiced his concern and interest about the utility lines that will be going through the District; the site the sewer plant will be constructed on; and the site the water treatment plant will be constructed on and asked if the developer had entertained the idea of deeding-over these portions of land to the District. Mr. Buntmeyer pointed out that rights-of-way and/or easements will be necessary for the utility lines and that permits will have to be obtained for the Department of Transportation. In connection with the site plans, as mentioned by Mr. Scuderi, Mr. Buntmeyer indicated that this subject has not yet been discussed nor have the plans for either water or sewer plant been finalized and anything he might say should be considered a suggestion. At this time, he made the following suggestions:

1. Employ a long term easement on the sewer plant site (not having the District purchase the land) and when the use of said site is eliminated then the land can revert back to the owner. This is on the assumption that the sewer plant is to be an interim facility.
2. Purchase the property for the water plant site as this is to be a permanent facility and suggested the District could buy such a property for simple cost to the developer - (stating a figure of approximately \$16,000/\$17,000 per acre)

Mr. Buntmeyer gave, as an example, the purchase price the District gave for the land which comprises the well field, approximately \$87,000, and said this well field will serve the District its total water need. He went on to say the developer has anticipated that the

Pelican Bay Improvement District Board  
June 22, 1978

---

acquisition cost for a suggested 13 acre plant site would be approximately \$170,000 but made clear these are all suggestions and must be discussed more fully.

President Scuderi asked that such a review take place and bring back to the board any resultant proposals.

Mr. Biery reminded the board that at their next meeting, bids will be taken on the "reverse osmosis" plans - (Meeting date will be July 12, 1978).

#### BOND RESOLUTION FOR WATER AND SEWER

Ms. Lynn Villios of Hawkins, Delafield & Wood spoke of the Water Management/Special Assessment Bonds by saying that on May 24, 1978 there was a validation hearing in the Circuit Court at which time the judge signed the order validating the bonds which in turn allows a thirty day appeal period on the order. This period will expire June 24, 1978, she continued, and if there are no appeals filed by that date, the validation will be final and the District may proceed with the selling of the bonds. Ms. Villios then turned her attention to the Water/Sewer Bond Resolution, stating that each member of the board had received a copy of the first draft of the resolution and added that she had brought with her for today's meeting a final and corrected copy of proposed resolution. At this time, she gave each member of the board a copy of Page No. 3-8 which had been inadvertently omitted and a memorandum which listed the corrections to be made in order for the first draft copies to be brought up to date. Ms. Villios said the Water/Sewer Bond Resolution is very similiar to the Water Management Bond Resolution with the essential difference being that the bonds are paid off by the revenues of the

system and the provision had been made in the Resolution for the payment of cost and operation of the system and also for payments to the developer by the District, according to the plans and agreements the board has with the District for the acquisition of any mains or lines they may construct so that once these mains or lines are purchased by the District, they will become a part of the system.

President Scuderi asked for an explanation of Section 509 to which Ms. Villios explained that this section is the system expansion fund - dealing with payments to the developer by the District - providing that after operating expenses have been paid; principal interest on the bond has been paid; and there is sufficient amount in the renewal fund to meet the \$50,000 requirement, that from any monies left in the revenues each month, the District will estimate its operating expenses for the next calendar month - take 50% of such funds and place it in a reserve within the operating fund and it is then that the remainder of the monies will be put into the system expansion fund. From this fund/monies the District will pay the developer, at least quarterly, for any improvements or construction that the District wishes to add to the system.

President Scuderi then asked for an explanation of Section 609 to which Ms. Villios stated that Section 609 says before any payments are made to the developer, through the procedure just previously outlined, the consulting engineer will sign a certificate certifying to the board what is being bought and what the cost has been to the developer, after which the District and the developer will come to a conclusion regarding the payment to be made for the referenced acquisition.

After President Scuderi asked if the deletion of both Sections 509 and 609 would affect the resolution in anyway and Ms. Villios answered in the negative, a discussion followed regarding the two items of the resolution and the resolution as a whole. Mr. George Varnadoe, at the conclusion of the discussion, read the corrected sections as follows:

Section 509, Page B-10, Subsection (3) - System Expansion Fund

"Payments shall be made from the System Expansion Fund to developer or developers in accordance with agreements between the District and developer or developers and as provided in Section 609, to acquire any project initially financed and constructed by the developer pursuant to said agreements. Payment shall be made until such time as the system as described by the plan has been acquired, installed or constructed as certified by the consulting engineer. At such time any amount remaining in the System Expansion Fund shall be deposited in the redemption account."

Section 609, Page 6-5, Subsection (1) - Payment to the Developer

"Prior to any payment by the District to the developer pursuant to Section 509, consulting engineer shall certify to the District the nature of the project and the cost of construction to the developer. The District and the developer shall agree on a schedule of payments to be made by the District to purchase any project authorized by the District from the developer."

Mr. Tracy Bolesky, Attorney for the Board, stated the resolution was satisfactory according to form but relied upon the board to accept or reject the substance of the document.

Mr. Harmon Turner moved, seconded by Mr. Brown and carried unanimously, that the Bond Resolution as corrected be approved and the Chairman be authorized to sign same.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that Mr. Bolesky, after the Resolution has been signed, file the complaint and proceed with the bond validation procedure.

At this time, Mr. Werner Buntmeyer stated that Goldman Sachs has prepared a statement for public consumption which includes a preliminary draft of an official offering statement - i.e. summaries of bond resolutions; the amounts of money; a sales brochure; who will be paying the bonds; etc. Mr. Buntmeyer also said that the above-referenced statement and the prospectus are being reviewed by the retained bond attorney firm.

DISCUSSION ON DISTRICT MANAGER - GARY MOYER EMPLOYED FOR POSITION

Mr. Harmon Turner, complying with the request of the board at its last meeting, stated he had held interviews for the position of District Manager and had found Mr. Gary Moyer to be the most qualified for the part-time position being offered by Pelican Bay. He said Mr. Moyer would accept the salary of \$9,800, would be responsible for his own transportation and lodging and would make it agreeable with the Coral Springs District for whom he is now employed. Mr. Moyer reaffirmed all the statements made by Mr. Turner and noted that this part-time employment could very well be a benefit to Coral Springs District and to Pelican Bay District. At this time, Mr. Moyer presented the board with a letter from the Coral Springs Improvement District over the signature of

Harvey W. Olsen, President, indicating their approval of the proposed employment of Mr. Moyer by the Pelican Bay Improvement District.

After a discussion regarding a contract versus employee status, it was determined that Mr. Moyer be employed on a consulting basis retaining, however, certain authority that will be embodied in the District Manager title.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, to employ Mr. Moyer on the basis already discussed, as of July 1, 1978.

Mr. Buntmeyer requested that such a resolution be drawn up indicating such an increase in the budget in order to be approved at the July meeting of the board.

INVOICE NO. 11 - APPROVED

Mr. Harmon Turner moved, seconded by Mr. Brown and carried unanimously, that Invoice #11 in the amount of \$96,693.36 be approved for payment. (Payment to Post, Buckley, Schuh & Jernigan)

INCREASE IN PAYMENT FOR LEGAL SERVICES - TRACY BOLESKY - APPROVED

Mr. Scuderi moved, seconded by Mr. Turner and carried unanimously, to approve an increase in the hourly rate for legal services of Mr. Tracy Bolesky from \$50.00 to \$75.00, beginning on July 1, 1978.

PAYMENT OF BILLS - APPROVED

Mr. Brown moved, seconded by Mr. Turner and carried unanimously to pay the following bills:

Pelican Bay Improvement District  
June 22, 1978

---

Board of County Commissioners	\$ 90.97
Naples Daily News	27.30
Tracy Bolesky	<u>4,366.25</u>
Total	\$4,484.52

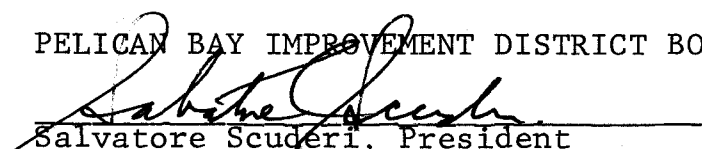
TREASURER'S REPORT - ACCEPTED

Mr. Turner moved, seconded by Mr. Brown and carried unanimously to approve the Treasurer's report as submitted by Mrs. Viola Barclay, Treasurer. (Report dated May 9 thru June 13, 1978)

Mr. Turner reported he had given a bill to the developer in the amount of \$400 for services for the month of June.

Meeting was adjourned at 6:00 P.M. by order of the Chair.

PELICAN BAY IMPROVEMENT DISTRICT BOARD

  
Salvatore Scuderi, President

TREASURER'S REPORT  
FOR THE PERIOD MAY 9, 1978 THROUGH JUNE 13, 1978  
PELICAN BAY IMPROVEMENT DISTRICT  
NAPLES, FLORIDA

	<u>MAY 9, 1978 TO JUNE 13, 1978</u>	<u>YEAR TO DATE</u>
CASH BALANCE - BEGINNING OF PERIOD	\$ 4,583.64	\$ 3,008.17
CASH RECEIVED:		
Coral Ridge Properties	-0-	18,500.00
	<u>\$ 4,583.64</u>	<u>\$21,508.17</u>
EXPENDITURES:		
Meeting Expense	\$ 500.00	\$ 4,500.00
Office Expense	6.24	88.92
Secretarial Expense	68.00	661.27
Attorneys Fees	-0-	10,996.76
q Accounting Services	75.00	900.00
Classified Advertising	3.10	58.42
Travel Expense	27.22	313.72
Miscellaneous Expense	-0-	85.00
	<u>\$ 679.56</u>	<u>\$17,604.09</u>
CASH BALANCE - END OF PERIOD		
Cash in Bank	\$ 3,884.08	
Petty Cash	20.00	
	<u>\$ 3,904.08</u>	<u>\$ 3,904.08</u>

Respectfully Submitted,

VIOLA S. BARCLAY, TREASURER