

Naples, Florida, October ⁹~~10~~, 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: Debbie Pantano, Recording Secretary; Tracy Bolesky, Attorney for the Board; Werner Buntmeyer, Coral Ridge-Collier Properties; George Varnadoe, Attorney of Smith, Young & Blue; Fred Biery, Post, Buckley, Schuh & Jernigan; Gary Moyer, District Manager for Pelican Bay; Byron Koste and Charles Penn, Coral Ridge-Collier Properties.

AGENDA

1. Roll Call
2. Approval of minutes
3. Preliminary Offering Statement - Water Management Bond Issue
4. Reappointment of Supervisors
5. Acceptance of easements for water transmission facilities
6. Addendum to engineering contract
7. Supervisors' requests
8. Engineer's report
9. Manager's report
10. Treasurer's report
11. Approval of invoices
12. Adjournment

ROLL CALL

President Scuderi called the meeting to order and noted that Mr. Diefenthaler was not present.

An Affidavit of Publication was submitted to be filed giving

APPROVAL OF MINUTES OF MEETING HELD SEPTEMBER 13, 1978 - APPROVED AS CORRECTED

Mr. Turner noted on page 511, the second sentence in the last paragraph the word "residual" should be changed to "preliminary."

Mr. Moyer stated that on page 509 it is stated the discussion concerning the budget was a public hearing but actually the public hearing was held at the August meeting at which time it was closed and the discussion was continued into the September meeting.

He also stated that on page 512, the last sentence in the first paragraph "the District should not purchase water from the City at this time" should be changed to read "bond proceeds cannot be used for this purpose."

Mr. Turner moved, seconded by Mrs. Barclay and carried unanimously 4/0, that the minutes of the September 13, 1978 meeting be approved as corrected.

PRELIMINARY OFFERING STATEMENT - WATER MANAGEMENT BOND ISSUE

Mr. Moyer stated he has received the preliminary offering statement re the Water Management Bond Issue which was made available to the Board for review and there have been changes and corrections. He distributed a revised version of the statement and proceeded to list the corrections made (see Summary of Changes next page).

Mr. Turner questioned the wording on Page 3, the third and fourth line from the bottom concerning the Resolution passed in December, 1976 as another resolution was recently passed changing the original plan and he feels it should be mentioned in the statement. He also stated that on Page 4, the fourth paragraph, "Tax Assessor" should be referred to as "Property Appraiser."

Mr. Turner moved, seconded by Mr. Brown and carried unanimously 4/0 that the preliminary offering statement be approved subject to the

aforementioned corrections and/or changes and possible inclusion of the audit and the President and Secretary be authorized to sign the appropriate resolution regarding same.

"PRELIMINARY OFFICIAL STATEMENT"

SUMMARY OF CHANGES

- PAGE 1- Amount changed to \$3,590,000.
- PAGE 3- Amount changed to \$3,590,000. Third paragraph, fifth line, to read eighteen (18) months , instead of twenty-four (24) months.
- PAGE 6- Third paragraph, delete second line and figures as follows:

Reserve Account.....	\$ 250,000
Temporary Interest Fund.....	405,000
Construction and Acquisition Fund....	<u>2,935,000</u>
Total Bond Proceeds	<u>\$3,590,000</u>

- PAGE 7- Paragraph ninth, first line; to read "basins" not basis. Second line delete the words and & filter, and on third line have the word downstream as one same with wetlands on the last line.
- PAGE 8- Delete fourth paragraph from Page 8. To be part of Page nine, using the word "Developer" instead of District. Last paragraph.....Land Use Type, changing the word Minimum for "Maximum" Number Dwelling Units; with note addition of : Note a. Acreage included in "Residential" totals.
- PAGE 9- Second paragraph, end last sentence with "platting process". Also third paragraph, first and second lines to read as follows: The platting process of 336 acres of land located in the southern portion of the District was completed in September, 1978. A portion of the initial plat contained a residential single family subdivision..... Third line delete word lot for "Homesites", with last sentence of same also reading "Homesite" sizes..... Insert fourth paragraph from Page eight.
Second sentence, last para. "is" inserted after "Gee + Jensen"
- PAGE 10- Income and Employment, Per Capita Income of 1977 was \$11,711. Last paragraph, second sentence, delete the word main.
- PAGE 11- Invert Order, 1977 - 1973 not vice versa.
- PAGE 13- Last paragraph, second line, change last word to read "consulting" instead of chief.

Concerning the bond market, Mr. Buntmeyer commented that it changes from day to day and at the present time the market looks favorable.

REAPPOINTMENT OF SUPERVISORS

Mr. Moyer noted the receipt of a letter dated October 2, 1978 from Chairman John Pistor requesting the Board of Supervisors recommend individuals to be appointed to the Pelican Bay Board as the present members' terms will terminate at the end of the month.

President Scuderi commented the Board is not authorized to vote on nominations for people to serve; however, he responded to Chairman Pistor's letter by stating that Mr. Turner, Mr. Brown and himself would be willing to serve, if appointed by the Commissioners, and further stated the Commissioners have received letters from Mr. Diefenthaler and Mrs. Barclay stating they are not interested in serving again. President Scuderi further stated a letter dated October 6, 1978 was received from Commissioner Wimer submitting the names of Donald L. Fink and James Callaghan as prospective members and that the Secretary or District Manager should respond to Commissioner Wimer's letter stating they have no authority to take any action on the names submitted; however, the Board may suggest individuals they have in mind for consideration by the Board of County Commissioners.

Mrs. Barclay stated she had written Commissioner Wimer suggesting Mr. Callaghan as a prospective member.

Mr. Turner suggested Michael Moore, Vanderbilt Beach Motel, to be considered by the Commissioners.

Mr. Brown noted that Eleanor Wenzel is interested in serving on the Board. He stated he will get together with the District Manager to comprise a letter to the Chairman of the Board.

Mr. Buntmeyer, on behalf of Coral Ridge-Collier Properties, expressed his hope that the present members will be re-appointed for another term.

EASEMENTS FOR WATER TRANSMISSION FACILITIES

Mr. Moyer explained the engineers are still preparing the easements which need the appropriate signatures and he will hopefully have the signed easements at the next meeting for the Board's consideration and/or acceptance.

Mr. Turner requested the engineers provide a visual map at the time the easements are submitted to the Board to show where the easements are located.

ADDENDUM TO ENGINEERING CONTRACT

Mr. Moyer requested an addendum to the engineering contract dealing with additional compensation to Post, Buckley, Schuh & Jernigan, Inc. for work performed in obtaining the Water Management Permit from the Dept. of Environmental Regulation and the Environmental Protection Agency in the amount of \$12,000 to be added to the Water Management Contract. He stated this work is continuing and is not specifically covered under the scope of services.

Messrs. Turner and Buntmeyer concurred with Mr. Moyer in his findings and recommendation.

President Scuderi questioned whether this matter is covered in a clause in the original contract. Mr. Bolesky responded that any additional work not covered in the contract may be negotiated with the engineers.

Mr. Turner commented that the additional work is considered part of the overall project approved by the Board.

Mr. Turner moved that the Board approve the request for an

addendum to the engineering contract as requested. The motion died for lack of a second.

President Scuderi requested Mr. Bolesky to look over the original contract for a legal opinion on the matter.

SUPERVISOR'S REQUESTS

Mr. Turner requested the District Manager be authorized to sign district permit applications without the approval of the Board to prevent delays in the procedure.

Mr. Turner moved, seconded by Mrs. Barclay and carried unanimously 4/0 that the District Manager be authorized to sign applications for construction and operational permits for plans approved by the Board.

In response to President Scuderi's question, Mr. Buntmeyer stated his firm has not yet been able to estimate the lot prices.

ENGINEER'S REPORT

Mr. Biery stated that all projects have been advertised for bids to be opened on October 25, 1978 at 10:00 in Building "F" and that he has a complete set of the specifications, contract documents and detailed construction plans to be made part of the record once they have been officially signed and sealed.

In reference to the joint permit^{for the berrm} he stated the DER has signed it but as of yet the Corps of Engineers has not.

President Scuderi requested the bidders be made aware they are not to try to contact any of the Board for private discussions, lunches, and the like.

DIVISION MANAGER'S REPORT

Mr. Moyer stated he is preparing the water and sewer offering statement which should be in preliminary form for the Board's review within the next two weeks and that it may be necessary to call a Special meeting to offer the bond issues for sale, preferably October 26, 1978. He further stated he will check with all the members of the Board before that time to make sure they will be available if the Special meeting is necessary.

Mr. Moyer informed the Board that he has signed permit applications for water and sewer plants.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously 4/0, that the Board approve the District Manager's signing of the said permit applications.

TREASURER'S REPORT

Mrs. Barclay submitted the "Year's End Treasurer's Report" which shows a cash balance of \$16,625.17. She noted there are some unpaid bills still to be paid.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously 4/0, that the Treasurer's Report be approved as submitted.

APPROVAL OF INVOICES

Following a brief discussion, Mr. Moyer stated he will begin notifying the accountant as to the charges for his services rendered.

Mr. Turner noted the receipt of a bill from the engineer in the amount of \$3,460.27 and moved for the approval of said bill and for the developers to pay the amount. Mr. Brown seconded the motion and it carried unanimously 4/0.

Mrs. Barclay noted a bill from Gary Moyer for \$2,450; several bills from the Naples Daily News in the amounts of \$33.34, .

\$27.40, \$28.06, and \$352.00 as well as a returned check from the Naples Daily News in the amount of \$24.00. She also noted the receipt of a bill from Rogers, Silver, Robbins, Moon & Co. dated July 23, 1978 in the amount of \$225.00.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously 4/0 that the bills as presented be approved for payment.

Mr. Turner noted his bill for services rendered for September in the amount of \$250.00 to be paid by the developers.

Mrs. Barclay noted she had missed a bill from the Naples Daily News in the amount of \$26.61. Mr. Turner moved, seconded by Mr. Brown and carried unanimously 4/0 that the bill be approved for payment.

ADJOURNMENT

Mr. Turner moved, seconded by Mr. Brown and carried unanimously 4/0 that the meeting be adjourned. Time: 5:35 P.M.

PELICAN BAY IMPROVEMENT
DISTRICT BOARD



Salvatore Scuderi, President

October 26, 1978

LET IT BE KNOWN, that the Pelican Bay Improvement District Board met on this date in SPECIAL Session at 4:35 P.M. in Building "F" of the Collier County Courthouse with the following members present:

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

ABSENT: Robert Diefenthaler

ALSO PRESENT: Debbie Pantano, Recording Secretary; Tracy Bolesky, Attorney for the Board; Werner Buntmeyer, Byron Koste and Charles Penn, Coral Ridge-Collier Properties; George Varnadoe, Attorney for Smith, Young & Blue; and Gary Moyer, District Manager.

AGENDA

1. Roll Call
2. Approval of Minutes of Meeting held October 9, 1978
3. Discussion and approval of the \$4,530,000 Water & Sewer General Obligation Water & Sewer Revenue Bonds -- Preliminary Offering Statement
4. Update on Selection of Trustee
5. Attorney's report on Post, Buckley, Schuh & Jernigan's request for additional Compensation pursuant to the terms and conditions of outstanding contracts
6. Supervisor's Requests
7. Manager's Report
8. Treasurer's Report
9. Adjournment

ROLL CALL

Upon noting Mr. Diefenthaler's absence, President Scuderi called the meeting to order.

APPROVAL OF MINUTES OF OCTOBER 9, 1978 MEETING - DEFERRED UNTIL REGULAR SESSION

Mr. Turner suggested that approval of the minutes of October 9, 1978 be deferred as this is a Special Meeting and the minutes should be approved in Regular Session.

DISCUSSION AND APPROVAL OF THE \$4,530,000 WATER & SEWER GENERAL OBLIGATION WATER & SEWER REVENUE BONDS -- PRELIMINARY OFFERING STATEMENT

Mr. Moyer noted this Special Session was advertised for public hearing in the Naples Daily News on October 18, 1978 and the Affidavit of Publication is on file.

He stated the primary purpose of the Special meeting is to discuss the modifications to the Preliminary Offering Statement and explained the only reason he is bringing these changes before the Board is that there are time constraints on the matter and he thought it best if the Board participated in preparing the draft of the Statement.

Mr. Moyer proceeded to read from a Modification list to note the proposed changes to the Preliminary Offering Statement (see attached sheets).

President Scuderi noted that on Page 6 of the Statement it should read that the Board of County Commissioners submitted 5 names as the Board of Supervisors and the Act appointed said persons and he should be referred to as the President of the Board and not the Chairman.

Mr. Moyer noted there is another place in the Statement designating Mr. Scuderi as Chairman and he will have that changed also.

Mr. Turner pointed out that on Page 6 "70 miles south of Tampa" should be changed to "150 miles south of Tampa" to which Mr. Moyer stated he will verify that.

Mr. Turner moved, seconded by Mrs. Barclay and carried unanimously, that the Resolution re the Water & Sewer Bond Issue be adopted subject to the changes aforementioned by Mr. Moyer in the Preliminary Offering

Statement and also subject to review by the Board's attorney and the President and Secretary be authorized to sign same and the word "submitted" in the Resolution be changed to "corrected."

Mr. Turner moved, seconded by Mr. Brown and carried unanimously that the President be authorized to execute the printing of the final Preliminary Offering Statement subject to the Resolution just adopted.

UPDATE ON SELECTION OF TRUSTEE

Mr. Moyer noted there are three banking institutions in the Collier County area with trust powers which are the Southeast Bank, Barnett Bank and the Exchange Bank. He stated each bond issue will have a different trustee as he feels it is good business to have more than one bank in such matters. He noted the trustee(s) probably will participate in the purchase of the bonds and it would possibly be too much to expect one bank to participate in both issues. Mr. Moyer also stated he has been negotiating with all three banks and on the basis of the interest rates expressed, he feels that Barnett Bank and the Exchange Bank will be selected as trustee.

In answer to President Scuderi's inquiry, Mr. Koste explained there are only the three banks mentioned that have corporate trust powers.

Mr. Moyer stated he will keep the Board up to date on the matter as it progresses.

ATTORNEY'S REPORT ON THE ENGINEER'S REQUEST FOR ADDITIONAL COMPENSATION FOR WORK COMPLETED ON THE PERMITTING PROCEDURE

Tracy Bolesky submitted a legal opinion on the request by the Engineer for payment of \$12,000 for work completed concerning the permitting procedure which is not specifically covered in the Engineer's Contract. In his report, Mr. Bolesky gives the opinion that the Engineers did have an obligation to perform subject work; and, also, his opinion is that the Engineer should be compensated.

President Scuderi stressed the fact that certain phraseology in the Contract is not clear pertaining to the words "as requested" noting the Board never specifically requested the work be done nor did the Engineer have written authorization from the Board that the work be done as stipulated in the Contract.

Mr. Buntemeyer noted that problems such as this often come up in this type of contract where it is not always possible to foresee exactly what will need to be done and suggested the Engineer should be told to bring such matters to the attention of the Board before actually performing work not specifically covered in the contract.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously 4/0, that the developer be authorized to pay the additional compensation requested by the Engineer.

SUPERVISOR'S REQUEST

President Scuderi commented that he has submitted two additional names to the Board of County Commissioners for their consideration of appointments of individuals to the Board. He stressed the fact that it is not necessary for only the supervisors to submit names to the Board.

Mr. Bolesky stated he has drafted a letter to Chairman John Pistor requesting the Commissioners appoint the new members on or before November 7, 1978 per their Act as it may cause problems in the future with the bond issue.

Mr. Turner moved, seconded by Mrs. Barclay, that the President and Secretary be authorized to sign and execute said letter. Motion carried unanimously 4/0.

MANAGER'S REPORT

None.

TREASURER'S REPORT

Mrs. Barclay commented that since this is not a Regular Session she is not submitting a Treasurer's Report; however, she mentioned receiving the following bills: Attorney's bill in the amount of \$2,197.50; Naples Daily News in the amount of \$3.10; Board of County Commissioners in the amount of \$165.30; and the travel vouchers. She also mentioned that Mr. Diefenthaler had returned a check to her stating he felt he should not accept it.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously 4/0, that the bills as mentioned be paid.

At this time, President Scuderi presented Mrs. Barclay with a painting as an expression of the Board's appreciation for her services rendered.

ADJOURNMENT

Mr. Turner moved, seconded by Mr. Brown and carried unanimously 4/0 that the meeting be adjourned at 5:20 P.M.

PELICAN BAY IMPROVEMENT DISTRICT BOARD



Salvatore Scuderi, President

MODIFICATIONS TO

10/18/78 Preliminary Official Statement
\$4,530,000 - Pelican Bay Improvement District
Water & Sewer General Obligation & Revenue Bonds

Cover:

- (1) The payment of the principal of and interest on the Series 1978 Bonds are additionally secured by a pledge of ad valorem taxes to be levied by the District.

Add "pursuant to the Resolution" after District.

- (2) The Series 1978 Bonds are not obligations of the State of Florida or any other political subdivision of the State, but are payable solely out of the monies of the District pledged therefor.

Change ", " to "." and eliminate remainder of sentence.

Page 3:

- (1) Introduction, second paragraph, line three (3);
... of construction of Phase Ia ...

... of construction and acquisition of Phase I ...

Page 4: last paragraph, last sentence: "covered" changed to "covered"

Page 5:

- (1) Heading "Sinking Fund Redemption" becomes "Sinking Fund Installments"

"Annuities" & "Installments" (see table) changed to "Installment & Installment"

- (2) APPLICATION OF PROCEEDS*
Delete Bond Service Account line.

Reserve Account \$388,800
TEF 634,250
Q + AF 3,407,000

Page 6:

- (1) THE DISTRICT, first paragraph.
Tammiami misspelled.

Page 5:

Other Ink Address

*1st sentence - "Water Bonds" changed to
"Water Improvement Bonds"*

Page 7:

- (1) Add heading "Water System" at top of page.
Add after "The" 1st sentence.
- (2) Second paragraph, insert "an" between that and additional.
Capitalized "additional" capital
- (3) Fourth paragraph, replace Pelican Bay with "the District's."
- (4) Between fourth and fifth paragraphs, add heading "Sewer System".
- (5) Ninth paragraph, delete "(S)'s", and change their to "its".
- (6) Tenth paragraph, change expects to "will", Pelican Bay becomes "the District", delete Pelican Bay Improvement, and change some time around to "completed in".
- (7) Add the ~~two~~ paragraphs on Post Buckley - the District Engineers, from the Water Management Offering Statement.

Page 8:

- (1) First paragraph, second line.
Change The initial construction to "The proceeds of the Series 1978 Bonds will be used to finance the construction and acquisition of the wellfield, raw water transmission line, and the utility site with water treatment and waste-water treatment plants and associated facilities which ..."
- (2) Second paragraph.
Change development to "System" and delete everything after follows.

Page 9:

- (1) Move Figure 1 to end of statement.

Page 10:

- (1) First paragraph.
Remove approximately \$7,000,000.
- (2) "Connection Fees", first paragraph, third sentence,
will now read: "The fees will reflect the cost of
utility service based on the area served, the con-
sumptive capacity of the area, and the facilities
needed to service the area."
- (3) "Meter Fees", first paragraph.
Add "to each unit" after connection in the first line,
parentheticals become commas, and both systems becomes
"the dual distribution system".

Page 11:

- (1) The second paragraph is made part of the first paragraph
by interjection between first and second sentences of
first paragraph.
- (2) Note "(a)" on table is defined as "(see attached)"
 - (a) Based on a three person household using 95 gallons
per day (8,550 gallons per month) irrigation water,
120 gallons per day (10,800 gallons per month) potable
water and a similar wastewater flow.

INSERT ON BOTTOM OF PAGE 7:

The firm employed by the District to design the Water and Sewer System is Post, Buckley, Schuh & Jernigan, Inc., Miami, Florida. The Consulting Engineer's private development services include comprehensive consulting, planning, engineering, surveying and related services.