

Naples, Florida, February 14, 1979

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

PRESIDENT: Salvatore Scuderi  
SECRETARY: Douglas Brown  
TREASURER: Elinor Wenzel  
Joseph Fernandez  
Harmon Turner

ALSO PRESENT: Debbie Pantano, Recording Secretary; Gary Moyer, District Manager; Fred Biery, Post, Buckley, Schuh & Jernigan; Tracy Bolesky, Attorney for the Board; Messrs. Obley, Koste, Penn and Bunttemeyer, Coral Ridge-Collier Properties; and George Varnadoe, Attorney for Smith, Young & Blue.

#### AGENDA

1. Roll Call
2. Approval of Minutes of 1/24/79
3. Lease-Purchase Agreement for Pelican Bay Utility Site
4. Agreement with Collier County re Street Lighting District
5. Discussion on District policy related to the extension of utility services and procedures for connecting to the District's drainage system
6. Selection of an appraiser - utility site
7. Approval of Construction Trust Fund Agreement form
8. Supervisor's Requests
9. Engineer's Report
10. Manager's Report
11. Treasurer's Report
12. Approval of Invoices
13. Adjournment

#### ROLL CALL

President Scuderi noted that all members were present and called the meeting to order,

APPROVAL OF MINUTES OF JANUARY 24, 1979 MEETING - APPROVED WITH CORRECTIONS

Mr. Turner noted that on page 557 of said minutes "Villias" should read "Villios" and that on page 561 "8 1/4%" should be changed to "9 1/2%."

Concerning the statement in the minutes that Mr. Brown would consider the responsibility of executing requisitions directed to the Trustee for disbursement of Water Management Funds, Mr. Brown stated that he definitely does not want the responsibility.

Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously 5/0 that the minutes of January 24, 1979 be approved subject to the aforementioned changes.

In addition, Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously 5/0 that the minutes of January 17, 1979 be approved as submitted.

LEASE-PURCHASE AGREEMENT FOR PELICAN BAY UTILITY SITE

Mr. Moyer stated that the corrections requested by the Board at the last meeting had been incorporated into the lease-purchase agreement; however, the developer does not go along with deleting Paragraph eight dealing with indemnification. He stated he has revised Paragraph eight as well as adding a paragraph on deed restrictions and briefly outlined the revised sections of the Agreement.

Mr. Bolesky commented that the indemnification clause is not uncommon in agreements of this nature, however, he personally does not recommend such a clause.

Mr. Turner commented that he has no objections to the proposed lease.

Mr. Buntmeyer explained, in detail, the implications of the revised Paragraph eight.

President Scuderi expressed his objections to the revised clause as he feels the District should not be obligated in such a way because ultimately the money that would be spent for such compensation would be from the future residents of Pelican Bay.

After a brief discussion, Mr. Turner moved, seconded by Mr. Fernandez, that subject Paragraph eight be approved with the addition of the wording "as provided by law" and upon roll call vote the motion carried 3/2 with Messrs. Scuderi and Brown dissenting.

Mr. Moyer then proceeded to explain in detail the proposed deed restrictions in the agreement.

After much discussion, Mr. Turner moved, seconded by Mrs. Wenzel that the Lease-Purchase Agreement be approved as submitted and corrected. The motion carried 4/1 with President Scuderi dissenting.

Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously 5/0 that the President and Secretary be authorized to sign said Agreement.

#### AGREEMENT WITH COLLIER COUNTY RE STREET LIGHTING DISTRICT

Mr. Moyer explained that he has drafted an Agreement between the District and the Board of County Commissioners which would make the District responsible for the operation and maintenance of street lights within the Pelican Bay District. He noted that if the Board approves said Agreement, it will then be submitted to the County Commissioners for their review and/or approval. Mr. Moyer also briefly explained the procedure by which taxes would be levied within the District.

In response to Mr. Turner, Mr. Bolesky stated he has no objections to the proposed Agreement.

Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously 5/0, that the Agreement with the Board of County Commissioners regarding the Pelican Bay Street Lighting District be approved and the President and Secretary be authorized to sign same.

At this point, President Scuderi requested that all matters that require Board approval should be received by the Board members ahead of time for their review before meetings.

DISCUSSION ON DISTRICT POLICY RELATED TO THE EXTENSION OF  
UTILITY SERVICES AND PROCEDURES FOR CONNECTING TO THE DISTRICT'S  
DRAINAGE SYSTEM

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Mr. Moyer explained that a public hearing is to be scheduled for some time in March on proposed connection fees and at that time the District's policy relating to the connections will have to be addressed. He briefly explained what the District's policy will have to entail as far as the responsibility of the District. He requested the Board review the drafted policy and offer suggestions for possible revision as there is no Board action required at this time.

SELECTION OF AN APPRAISER - UTILITY SITE

Mr. Moyer stated that he has contacted several appraisers in the Collier County area in connection with the utility plant site and has received the following proposals: a price of \$1,750 from a Mr. Cushman and a price of \$800 from a Mr. Webster. He noted they are both highly qualified persons in their field and recommended that Mr. Webster handle the project.

Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously 5/0, that Mr. Webster be retained to appraise the utility plant site.

#### CONSTRUCTION TRUST FUND AGREEMENT

Mr. Moyer explained that he is in the process of drafting a Construction Trust Fund Agreement Form which outlines the duties and responsibilities of a designated Trustee for the receipt and disbursement of funds with regards to water and sewer improvements for Unit I of Pelican Bay Subdivision. He noted that the Florida Bank of Ft. Lauderdale was "low bidder" compared to the Barnett Banks in Broward and Collier Counties quoting an initial cost of \$200 and thereafter 1/10 of 1% of approximately \$8,000 (disbursement of funds) which totals approximately \$1,000.

After a brief discussion, Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously 5/0, that the Florida Bank of Ft. Lauderdale be designated as Trustee for construction funds for water and sewer subdivision improvements in Unit I.

Mr. Moyer added that he will have the completed Trust Fund Agreement Form ready at the next meeting for the President's signature with the appropriate exhibits attached.

#### SUPERVISOR'S REQUESTS

None.

#### ENGINEER'S REPORT

Mr. Biery reported that 6 out of 7 contracts with regards to the RO plant have been signed and executed and, hopefully, the last contract will be ready for signature by the following week.

MANAGER'S REPORT

Mr. Moyer explained that the resolution previously approved by the Board regarding the Water Management system for Phase I does not contain proper wording and said document was also prepared on the wrong form. He submitted a supplemental resolution correcting same.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously 5/0, that the supplemental resolution as presented by the District Manager be adopted.

Upon explanation by Mr. Biery, Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously 5/0, that Coral Ridge-Collier Properties be reimbursed in the amount of \$9,000 for their attorney's services.

Following Mr. Moyer's explanation, Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously 5/0, that funds from the Water Management Trust Fund be used as reimbursement to Mr. Patterson in the amount of \$5,000.

Mr. Moyer explained that the developer has been advancing funds for engineering services provided by Mr. Biery and submitted a requisition form which shows itemized amounts to that effect.

Mr. Turner moved, seconded by Mrs. Wenzel and carried unanimously 5/0, that the developer be reimbursed in the amount of \$328,850.

Following Mr. Moyer's explanation, Mr. Turner moved, seconded by Mr. Brown and carried unanimously 5/0, that \$16,153.67 be paid as reimbursement for legal fees entailed in the water and sewer bond issue.

TREASURER'S REPORT

Mr. Turner moved, seconded by Mr. Brown and carried unanimously 5/0, that the Treasurer's Report dated January 11, 1979 through February 14, 1979 be approved as submitted.

APPROVAL OF INVOICES

Mr. Turner presented Invoice #18 from the Engineer in the amount of \$11,602.92 and moved that the developer be authorized to pay said invoice, seconded by Mr. Brown and carried unanimously 5/0.

Mrs. Wenzel presented the following bills to be paid:

BCC Secretarial Servies in the amounts of \$53.60 and \$91.85  
Attorney's fee in the amount of \$3,637.50  
Naples Daily News in the amounts of ~~\$6.10~~ and \$3.10

~~\$3.10~~ <sup>3</sup> <sub>15</sub>


Mr. Turner moved, seconded by Mr. Brown and carried unanimously 5/0, that the bills be approved for payment as submitted.

Mr. Turner then submitted a bill of \$100 for his services rendered.

ADJOURNMENT

Mr. Turner moved, seconded by Mr. Brown and carried unanimously 5/0, that the meeting be adjourned at 6:10 P.M.

PELICAN BAY IMPROVEMENT DISTRICT BOARD

  
Salvatore Scuderi, President

TREASURER'S REPORT  
FOR THE PERIOD JANUARY 11, 1979 THROUGH FEBRUARY 14, 1979  
PELICAN BAY IMPROVEMENT DISTRICT  
NAPLES, FLORIDA

	<u>JANUARY 11, 1979 THROUGH FEBRUARY 14, 1979</u>	<u>YEAR TO DATE</u>
CASH BALANCE - BEGINNING OF PERIOD	\$ 2,781.94	\$ 16,625.17
CASH RECEIVED - Coral Ridge Properties	12,000.00	12,000.00
	<u>\$ 14,781.94</u>	<u>\$ 28,625.17</u>
 EXPENDITURES		
Meeting Expenses	\$ 500.00	\$ 2,400.00
Office Expenses	10.39	203.87
Secretarial Expense	140.25	424.55
Attorney's Fees	3,720.00	9,585.00
Accounting Services	180.00	620.00
Classified Advertising	9.30	170.33
Travel Expense	79.58	179.00
District Manager	816.66	5,716.66
	<u>\$ 5,456.18</u>	<u>\$ 19,299.41</u>
 CASH BALANCE - END OF PERIOD		
Cash in bank	\$ 9,305.76	
Petty Cash	20.00	
	<u>\$ 9,325.76</u>	<u>\$ 9,325.76</u>

Respectfully submitted,

Elinor A. Wenzel  
Treasurer