

Naples, Florida

May 13, 1981

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

PRESIDENT: Salvatore Scuderi
SECRETARY: Douglas Brown

TREASURER: Stanley Brooks

Sylvia Moll - Absent
Harmon Turner

ALSO PRESENT: Gary Moyer, District Manager; James Ward, Assistant to the Manager; Jerry Eckert and Fred Biery, Post, Buckley, Schuh & Jernigan; Messrs. Koste and Penn, Coral Ridge-Collier Properties; Mr. E. A. Parker, President, Biltmore Construction Company; Tracy Bolesky, Attorney for the District; George Varnadoe, Young, van Assenderp, Varnadoe and Benton and Jean Swindle, Recording Secretary.

AGENDA

1. ROLL CALL
2. APPROVAL OF MINUTES OF MEETING HELD APRIL 22, 1981
3. CONSIDERATION OF FINAL CHANGE ORDER ON CONTRACT C-1/BILTMORE CONSTRUCTION COMPANY
4. APPROVAL OF REVISED GRANT OF EASEMENT FOR FPL ON HERON PROPERTY
5. CONCEPTUAL APPROVAL OF CONSTRUCTION OF SEAWALL BY THE BAY CLUB & BAY VILLAS PROJECT
6. ACCEPTANCE OF BOOSTER PUMP STATION EASEMENT FROM THE ESTATE OF BARRON COLLIER, JR.
7. ENGINEERING REPORT
8. SUPERVISORS' REQUEST & AUDIENCE PARTICIPATION
9. MANAGER'S REPORT
10. ADJOURNMENT

ROLL CALL

President Scuderi called the meeting to order and asked the record show all members of the Board present with the exception of Ms. Sylvia Moll who was absent.

MINUTES OF APRIL 22, 1981 - APPROVED AS PRESENTED

Mr. Turner moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the minutes of April 22, 1981 be approved as presented.

FINAL SETTLEMENT FOR BILTMORE CONSTRUCTION COMPANY IN THE AMOUNT OF \$115,894.77 - APPROVED

Attorney Tracy Bolesky stated there had been on-going negotiations since October, 1980 for the resolution regarding the final payment to Biltmore Construction Company for the completion of the District's Contract C-2. These negotiations have been between Attorney Bolesky, Mr. Fred Biery, Biltmore representatives and their attorney, including Mr. Gary Moyer, District Manager with the following figures being the negotiated settlement - \$115,894.77. Mr. Bolesky asked that the record show this sum as a "negotiated settlement" and stated that both he and Mr. Biery feel the Board's acceptance of this final change order figure would be in the best interest of the District.

Discussion followed which covered the list of uncompleted items that had been turned over to Biltmore some three or four months ago for completion and Mr. Biery stated that for all intents and purposes these items had been taken care of but there are a few remaining items, not on the above-referenced list, which will be reviewed in a meeting on Monday, May 18, 1981 by Biltmore and in turn, completed. Continuing, Mr. Biery said the contract was still under warranty until June 23, 1981 after which time, many items will still be covered by manufacturer's warranty. At this time Mr. Biery presented for the Board's consideration the final change order and the certificate of payment for Biltmore Construction Company.

He reviewed the documents, saying the revised change order #2 included \$14,686.00 in sales tax monies (such monies now being in litigation and in all probability will be returned to the District) and all releases of lien were attached. In conclusion, he asked that the Board approve both the revised change order #2 and the corresponding certificate of payment in the amount of \$115,894.77.

President Scuderi asked that the record show in more exact terms, what had been negotiated and to what degree had the Board/District benefited. Mr. Bolesky stated that the original figure requested by Biltmore had been in the \$300,000.00 range (which included \$95,000.00 for their construction contract that was originally due and payable to Biltmore) and through negotiations the overall figure had been reduced to \$115,894.77. It was made clear from statements by all concerned that the approval of the presented certificate of payment would "wipe clean" all damage charges and/or any other claims Biltmore might have against the District. This was verified by Mr. E. A. Parker, President of Biltmore Construction Company in his concurrence statement.

At this time, Mr. Turner moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the original Change Order #2 for Biltmore be rescinded and the Revised Change Order #2 be approved.

Mr. Turner moved, seconded by Mr. Brown and carried 4-0, with Ms Moll absent, that Certificate of Payment #17 in the amount of \$115,894.77 for Biltmore Construction Company, such payment being understood by all concerned to be the final settlement with Biltmore Construction Company for Contract C-1, be approved.

REVISED GRANT OF EASEMENT FOR FLORIDA POWER & LIGHT COMPANY ON HERON PROPERTY
IN PELICAN BAY - APPROVED

Following Mr. Jerry Eckert's review of the previously approved grant of easement by the Board as requested by Florida Power & Light Company and his explanation of the revision of this grant of easement which additionally allows FPL to use the District's easement directly on the Heron's property instead of stopping short of said land as was previously indicated, Mr. Turner moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the revised Grant of Easement for FPL be approved.

CONCEPT OF CONSTRUCTION OF SEAWALL BY THE BAY CLUB & BAY VILLAS PROJECT -
APPROVED - DISTRICT MANAGER AUTHORIZED TO SIGN NECESSARY APPLICATIONS FOR
SOUTH FLORIDA WATER MANAGEMENT DISTRICT PERMITS

Mr. Jerry Eckert presented for the Board's consideration, the owner's, Mr. George Rubinton, request to construct a small section of seawall along the southern boundary of the District's easement & lake bank as it relates to his Bay Club & Bay Villas property. Also included is the request for the deepening of the southern portion of the existing lake in order for there to be water up to the seawall at all time which necessarily requires the Board's authorization for Mr. Moyer to sign the SFWMD permit application. Mr. Eckert stated Mr. Rubinton, developer of Bay Club, Inc., has agreed to pay all associated costs and from an engineering standpoint, there will be no detrimental affect on the District's water management system. In fact, he concluded, it will improve the water management facilities by increasing the storage capabilities.

Discussion followed which covered the proposed depth of the southern portion of the lake as being eight (8) feet below normal water elevation; the use of the excavated materials on site; maintenance and future water level of the proposed project being the responsibility of the owner soley and the necessary approval of the SFWMD before any action can be taken.

Pelican Bay Improvement District
May 13, 1981

At this time, Mr. Turner moved, seconded by Mr. Brown and carried 3-1, with Ms. Moll absent and President Scuderi dissenting, that the construction of a seawall by Bay Club, Inc. be conceptually approved and the District Manager be authorized to sign the necessary SFWMD permit applications.

GRANT OF EASEMENT FROM THE ESTATE OF BARRON COLLIER, JR. FOR THE BOOSTER
PUMP STATION - ACCEPTED

Mr. Moyer reviewed the Grant of Easement document from the Estate of Barron Collier, Jr. and identified all the wording that had been requested by the Estate in this latest easement grant. He stated the District is paying the Estate \$500.00 for the easement, saying this is the property upon which the necessary booster pump station for the District's wellfield will be constructed. There was discussion regarding the wording in the grant of easement as it related to the District's future ability to service areas outside its own boundaries. It was stated by Attorney Bolesky that the Special Act upon which the District was founded, clearly states that the District cannot provide services outside its own boundaries with the only avenue of change being through an act of legislation. Additionally, Mr. Moyer explained that any present and/or future services are governed by the District's bond resolution - this resolution places the bond holders in a state of protection held by no other claimant and verified that the wording in the easement is a request by the Estate of Barron Collier, Jr. to be placed on the considered list for services if the District is ever in a position to do so.

Mr. Turner moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that payment of \$500.00 be made to the Estate of Barron Collier, Jr. for the above-referenced Grant of Easement and by the same motion, said easement be accepted.

ENGINEERING REPORT

Mr. Eckert reported that Crayton Road utilities are nearing completion; Unit IV, SF, Contract D-5 has just commenced in the last several weeks; the Wellfield expansion is waiting for the return of signed contracts and will be starting shortly. He then presented for payment the current Certificates of Payment. Mr. Brooks moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the following Certificates of Payment be paid:

<u>CERTIFICATE NO.</u>	<u>CONTRACTOR</u>	<u>AMOUNT</u>
W/S - Engineering No. 17	Post, Buckley, Schuh & Jernigan	\$ 2,770.67
W/S - Engineering No. 18	Post, Buckley, Schuh & Jernigan	605.45
W/M - Engineering No. 11	Post, Buckley, Schuh & Jernigan	199.08
Laurel Oak-Ridgewood Dr. Drive - Street Lighting No. 5	Post, Buckley, Schuh & Jernigan	124.80
Crayton Road Utilities No. 7	Post, Buckley, Schuh & Jernigan	1,185.46
Crayton Road Utilities No. 8	Post, Buckley, Schuh & Jernigan	3,899.08
Unit IV - Single Family Contract D-4 No. 3	Post, Buckley, Schuh & Jernigan	14,097.17
Developer Agreement-CRCP No. 2	Stevens & Layton, Inc.	47,051.09
Developer Agreement-CRCP No. 4	Florida Bank At Fort Lauderdale	106.73
Developer Agreement-CRCP No. 5	Florida Bank At Fort Lauderdale	250.68
	TOTAL AMOUNT ALL INVOICES	\$ 70,290.21

SUPERVISORS' REQUEST & AUDIENCE PARTICIPATION

It was the consensus of the Board to have the next regular meeting on June 10, 1981 at 4:30 P.M., 5th Floor, Collier County Courthouse.

MANAGER'S REPORT

CHANGE IN DISTRICT'S FEE PAYMENT SCHEDULE - APPROVED

Mr. Moyer presented for the Board's consideration a change in the District's current policy regarding the payment of connection fees as it relates to the owners/developers of Group III and IV parcels. In review, he stated that the original policy of the District had been for all four groups to pay the full amount of their corresponding connection fees before obtaining their building permit. Approximately a year ago, because the District's cash management requirement was

at a minimum, it was approved by the Board that the developers of Groups III & IV would pay by the following schedule: 20% when "hooked in" to the irrigation, 30% - potable and the remaining 50% when the sewer line was connected. Since that time Collier County has enacted a building ordinance which requires that prior to any construction - the utility serving the property must reserve capacity for such construction. Secondly, the District's cash management requirements have increased to such an extent that the proposed change in policy is being brought before the Board with a recommendation by Mr. Moyer and is as follows: That all four Groups (I, II, III, IV) will be required to pay the entire connection fees before obtaining their build-permits.

Discussion followed which covered the two or three current high-rise developers already into construction remaining under the old schedule for payment; the Developer telling those present owners who have not yet started construction that they will now come under the new policy and that this change in policy is brought about by (1) the District's current cash management needs and (2) the Collier County's recently enacted building ordinance.

Mr. Turner moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the change in the District's policy which will now require all owners/developers pay their entire connection fees before obtaining their building permits be approved.

CHANGE ORDER NO. ONE FOR STEVENS & LAYTON, INC. REGARDING CRAYTON ROAD UTILITIES - APPROVED IN THE AMOUNT OF \$504.88

Mr. Moyer presented as the last item on the agenda a change order to the District's Crayton Road improvement which will provide a gate valve on an existing water line that currently serves the existing Stratford and Heron sales models. In way of explanation, Mr. Moyer stated that the current construction of water lines along Crayton Road must connect to the existing water line and therefore will be governed by the Department of Environmental Regulations and the Health Department. The requirements for making such a connection necessitates a pressure test of the connection; chlorination of the line; bacterial samples of the water then one must wait for the results of the afore-mentioned tests to be certified and accepted by DER. This procedure could take as much as two weeks time. The current request for a gate valve would allow service to continue to the two models that have previously bought meters and paid connection fees to the system without disruption of water service. Additionally, he said, the installation of the gate valve will be of benefit to the District because it will now provide a valve on both sides of Pelican Bay Boulevard.

Following discussion, Mr. Turner moved, seconded by Mr. Brooks and carried 4-0, with Ms. Moll absent, that the Change Order No. 1 in

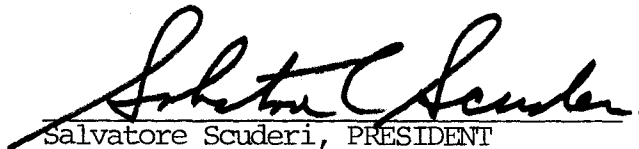
Pelican Bay Improvement District
May 13, 1981

the amount of \$504.88 for Stevens & Layton, Inc. to install a gate valve so that water service to the Stratford and Heron sales models may continue uninterrupted, be approved.

Mr. Turner submitted a statement to the Developer in the amount of \$450.00 for services during the month of April, 1981.

ADJOURNMENT

There being no further business to come before the Board, Mr. Turner moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the meeting be adjourned - Time: 5:35 P.M.


Salvatore Scuderi, PRESIDENT

PELICAN BAY IMPROVEMENT DISTRICT