

Naples, Florida September 16, 1981

LET IT BE KNOWN, that the Pelican Bay Improvement District met this date in continued Budget 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

Harmon Turner
Sylvia Moll

ALSO PRESENT: Gary Moyer, District Manager; Jerry Eckert, Post, Buckley, Schuh & Jernigan, Inc.; Messrs. Obley, Koste, Penn, Caldwell, Hecht and Wilson, Coral Ridge-Collier Properties; Tracy Bolesky, Attorney for the District; George Varnadoe, Young, van Assenderp, Varnadoe & Benton and Jean Swindle, Recording Secretary.

AGENDA

1. Roll Call
2. Public hearing- Water and wastewater budget fiscal year 1982
 Consideration of Deficit funding agreement.
3. Approval of minutes of meeting held 8/26/81.
4. Consideration of Unit 3 Plat- acceptance of surface water drainage
5. Engineers Report
6. Managers Report
7. Supervisors' request and audience participation.
8. Treasurer's Report
9. Adjournment

ROLL CALL

President Scuderi called the meeting to order and asked the record show all members of the Board present.

MINUTES OF AUGUST 26, 1981 - APPROVED WITH CORRECTIONS

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the minutes of August 26, 1981 be approved with the following corrections:

On Page 901, fourth line from the top - the word should be "install" instead of "installed"

Additionally, Mr. Turner asked that the minutes reflect the meeting date of September 16, 1981 for the continuance and completion of the District's public hearing regarding the acceptance and approval of the District's budgets for the FY 1982.

FY 1981-1982 WATER AND WASTEWATER BUDGET - APPROVED AS CORRECTED;
RELATED DEFICIT FUNDING AGREEMENT BETWEEN CORAL RIDGE-COLLIER PROPERTIES
AND THE DISTRICT - APPROVED - PRESIDENT AND SECRETARY AUTHORIZED TO
SIGN SAME; TRACY BOLESKY AUTHORIZED TO PREPARE ADOPTION RESOLUTION
FOR APPROVED WATER AND WASTEWATER BUDGET FY 1981-1982

Legal notice having been published in the Naples Daily News on August 7, 12, 21 and 23, 1981 as evidenced by the Affidavits of Publication, the continued public hearing was opened to consider the District's Water and Wastewater Budget for FY 1981-1982.

Mr. Moyer reviewed the Board's action of postponing its review of the District's 1981-1982 Water and Wastewater Budget at the meeting of August 26, 1981 because of a late revision by the Developer of the projected new growth figure. He stated the majority of the budget is based on the number of new units that will come on line during the fiscal year and it is this information which has been incorporated in the currently submitted budget. This budget shows the impact of the projected new growth together with the expected revenues for the coming fiscal year and in way of review, Mr. Moyer explained Page 1 - Operating Summary FY 1982 for the

Water and Wastewater budget. Continuing he identified the categories of revenue as being Connection Fees; Meter Fees and User Revenue with the resulting Total Revenue figure being \$771,644. Total expenditures include Operating Expenses; Capital-Plant and Non-Operating (Sinking Fund Installment; Interest Installment & Wellfield Purchase Payments) for a total figure of \$741,150 (revised and corrected). Mr. Moyer stated that if the expected growth is realized, the District will be able to accommodate all its operating and maintenance expenses and additionally, pay the District's debt service requirements together with the mandatory coverage which is 10% of the debt service. Even though the revised budget realizes only a minimum surplus as compared to the previous one, Mr. Moyer said this is a more realistic schedule and will continue to allow the District to make its bond covenant requirement of 110% of the debt service. He identified the remaining pages of the budget as detailed presentations of the summary first sheet. Because the revised budget is calculated on such small margin, he asked that the Board adopt an agreement with Coral Ridge-Collier Properties (such an agreement has been approved in the past) whereby the Company agrees to advance funds to the District when and if the District finds itself in jeopardy and unable to meet its operating and maintenance costs. This is a safety measure so that the District's bond covenants will continue to met without hesitation. Mr. Moyer stated this agreement had been reviewed by Mr. Bolesky last year and it was his opinion that the document was simply an agreement to agree at a later date should such a deficit occur. Following Mr. Turner's question regarding the Company's concurrence with the subject agreement, Mr. Byron Koste answered in the affirmative but asked that the time element in Section One be changed from "5 days" to "10 days".

Discussion followed which covered the Board's receiving corrected

copies of all three budgets; President Scuderi's request that quotes be obtained again this year for the District's insurance needs; Mr. Moyer's explanation of Section 7 of the agreement with his statement that the District's "Developers' Agreement" recognizes that Operations, Maintenance and Debt Service expenses have priority over the developers' claim to any revenue - this being so and because these particular monies are being advanced to cover deficits of Operations, Maintenance and Debt Service then it follows these monies should be repaid first rather than being on a par basis with other "Developers' Agreements"; affirmation by Mr. Obley and Mr. Koste that the newly incorporated growth figures for the coming year are, indeed, realistic and conservative; the inclusion of a pension plan for the District's employees and Mr. Moyer's recommendation that the agreement to agree regarding deficit funding be approved.

Following President Scuderi's request for audience participation and there being none, Mr. Turner moved, seconded by Mr. Brown and carried unanimously that the Public Hearing be closed.

After Mr. Turner stated he and Mr. Moyer and Mr. Eckert had reviewed the new budget and found it to be in line, Mr. Turner moved, seconded by Mrs. Moll and carried unanimously, that the Water and Wastewater Budget for FY 1981-1982 be approved as corrected and submitted.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the agreement between Coral Ridge-Collier Properties and Pelican Bay Improvement for deficit funding be approved, with the correction of "10 days" being inserted in Section One and the President and Secretary authorized to sign same.

Mr. Turner moved, seconded by Mrs. Moll and carried unanimously, that Mr. Bolesky be authorized to prepare an approval resolution for the above-referenced budget and the President and Secretary authorized to sign same.

Pelican Bay Improvement District
September 16, 1981

UNIT 3 PLAT, PELICAN BAY - APPROVED - SURFACE WATER DRAINAGE FROM SAID AREA -
ACCEPTED BY THE DISTRICT

Mr. Moyer presented, for the Board's consideration, a revised description of the plat for Unit 3, Pelican Bay, saying the original area known as Unit 3 had been approved by the Board almost a year ago but had never been recorded. Using a map for identification, he pointed out that area now known as Unit 3 as being lands that lie within the Pelican Bay Boulevard - Gulfpark Drive intersection and that property lying both east and west of Pelican Bay Boulevard. Continuing, he stated the District's engineers had been requested to include the entire area in water and sewer specifications at the time the old plat was accepted which means there will be no additional work involved if the revised Unit 3 plat is approved. Additionally, it is the District's responsibility to accept the surface water drainage from the proposed area as part of the District's water management system. Mr. Moyer stated both the engineers and he recommend the Board's acceptance and approval of the said Unit 3 Plat and the related surface water drainage.

Following Mr. Turner's comment that in actuality all the Board's is doing in approving the presented plat is accepting the surface water drainage from the identified area into the water management system of the District, he moved, seconded by Mr. Brown and carried unanimously that the Plat for Unit 3, Pelican Bay be approved as accepting the surface water drainage from said area and that the President and Secretary be authorized to sign same.

VACATION OF A PORTION OF THE DISTRICT'S DEDICATED EASEMENT LYING UNDER
PELICAN BAY BOULEVARD - APPROVED

Mr. Moyer explained there was a related item concerning the previous plat approval which involves the District's dedicated easement and Pelican

Bay Boulevard. He said all of Pelican Bay Boulevard continuing to the north was dedicated to the District as ingress, egress and utility easements and because additional properties have been platted along the Boulevard, the Collier County engineers are now concerned about having a dedicated road right-of-way on top of a previously dedicated easement. Their request is for the District to vacate such necessary portions of the District's already granted easements to accommodate the County's required road right-of-way with such vacation to be recorded at the same time as the recordation of the Unit 3 plat. Mr. Moyer stated the District can use such public ROW and for this reason he sees no problem with recommending to the Board that the requested vacation be granted.

Following Mr. Turner's question as to whether or not the District would have to get a County's permit in order to use the proposed ROW to which Mr. Moyer answered in the affirmative, Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that that portion of the District's easement which lies under Pelican Bay Boulevard and only to the extent of the limit of the Unit 3 Plat be vacated.

ENGINEERS REPORT

STREET LIGHTING CONTRACT FOR LAUREL OAK DRIVE, RIDGEWOOD DRIVE AND CRAYTON ROAD - AWARDED MID-CONTINENT ELECTRIC, INC. IN THE AMOUNT OF \$28,356.60

Prior to Mr. Jerry Eckert's presentation of the bid tabulation for the award of contract for the Phase II Roadway Lighting (Laurel Oak Drive, Ridgewood Drive, Crayton Road), Ms. Moll asked the record to show her abstaining from consideration of the award of this contract. At this time, Mr. Eckert presented all members with a copy of the bid tabulation sheet and stated that the bids were very representative as the engineer's estimate was \$30,600. He recommended that the bid from Mid-Continent Electric, Inc. in the amount of \$28,356.60 be accepted, saying the engineers had worked well with this firm in the past.

Mr. Moyer stated the funds for this work are available from the proceeds of the District's loan with Exchange Bank and will include the posting of ID tags on all light poles.

Mr. Turner commented the bids appear to be in line and at this time, moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll abstaining, that Mid-Continent, Inc. be awarded the contract for the installation of Phase II Roadway Lighting (Laurel Oak Drive, Ridgewood Drive and Crayton Road) in the amount of \$28,356.60 with the President and Secretary authorized to sign same.

It was determined that the contractor would start work once the contracts have been assembled and signed and the pre-construction meeting has been held.

FINAL CHANGE ORDER NO. THREE FOR STEVENS & LAYTON, INC. - CONTRACT D-4/
CRAYTON ROAD DISTRIBUTION AND COLLECTION FACILITIES - APPROVED IN THE
AMOUNT OF \$1,302.47

Following Mr. Eckert's presentation and explanation of Final Change Order No. 3 for Stevens & Layton, Inc. in the amount of \$1,302.47 (this represents a balance of final quantities), Mr. Turner moved, seconded by Mr. Brooks and carried unanimously, that the Final Change Order No. 3 for Stevens & Layton, Inc. (Contract D-4 - Crayton Road Distribution and Collection Facilities) in the amount of \$1,302.47 for a total Contract Price of \$135,560.20 be approved.

CERTIFICATES OF PAYMENT - APPROVED WITH STIPULATION

Mrs. Moll moved, seconded by Mr. Brown and carried unanimously, that the following Certificates of Payments be approved with the exception of Certificate No. 2 for Gator Utilities Service, Inc. (Contract A-2/Part B) in the amount of \$61,681.41 to held in abeyance until the engineers are in receipt of the necessary paper work:

CERTIFICATE NO.	CONTRACTOR	AMOUNT
Unit IV - Single Family - No. 7 Design	Post, Buckley, Schuh & Jernigan	\$ 10,528.79
Unit IV - Single Family - No. 4 Construction Services	Post, Buckley, Schuh & Jernigan	\$ 8,896.02
Bay Villas Utilities - No. 2 Construction Services	Post, Buckley, Schuh & Jernigan	\$ 2,990.25
Laurel Oak - Ridgewood No. 6 Drive - Street Lighting	Post, Buckley, Schuh & Jernigan	\$ 188.28
Contract D-5 No. 4	K & L Contractors, Inc.	\$ 12,462.35
Contract D-5, Part "C" No. 1	K & L Contractors, Inc.	\$ 53,232.98
Contract A-2/Part B No. 2	Gator Utilities Service, Inc.	\$ 61,681.41
Contract D-4 No. 5	Stevens & Layton, Inc.	\$ 16,168.14
Contract D-6 No. 1	Cadenhead & Son Construction Co.	\$ 49,242.60
	TOTAL AMOUNT ALL INVOICES	\$215,390.82

MANAGER'S REPORT

PREPARATION OF AMENDMENT TO THE DISTRICT'S SPECIAL ACT TO PROVIDE FOR THE DISTRICT'S TAXING AUTHORITY AND CONSIDERATION BY THE STATE LEGISLATION IN OCTOBER, 1981 - AUTHORIZED

In way of explanation, Mr. Moyer stated the Legislative delegation meeting for the year 1981 has been moved up to October 30. For the last two (2) years, the representatives of Collier County administration have had some concern about the District's relationship with the County in terms of the Street Lighting District. The Board of County Commissioners established the Pelican Bay Special Municipal Street Lighting District in 1978 and assigned the operating control to Pelican Bay Improvement District. The District has for the past two (2) years administered this control for the County. During the 1981 budget preparation and presentation, the County expressed a concern for the District to be independent in terms of running the Street Lighting District - this concern due in part to the large amount of activity involved in operating such a district. It is for this reason

that Mr. Moyer asked for the Board's approval to the preparation of an amendment to the District's Special Act which would allow the District to levy ad valorem tax for the purpose of street lights and other services now included in the 1980 state legislation Chapter 190, Florida Statutes. (Chapter 190, Florida Statutes, being the "New Community District Bill" which now allows such districts as the Pelican Bay Improvement District to be responsible for not only water, sewer, parks, recreation and street lights but also security, schools, mosquito control, roads, paving, drainage and bridges) He stated that Mr. Bolesky would be working with Mr. Varnadoe and Mr. Dillon on the proposed amendment so that the document could be brought before the Board at an early October, 1981 meeting and subsequently presented to the state legislation delegate before October 16, 1981.

Following President Scuderi's comment that once the District has such taxing power it will always make use of it, Mr. Turner moved, seconded by Mr. Brooks and carried 4-1 with Mr. Scuderi dissenting, that Mr. Bolesky together with Mr. Moyer, Mr. Varnadoe and Mr. Dillon be authorized to prepare an amendment to the District's Special Act which would give the District the authority to levy ad valorem taxes for purposee of providing the public services referenced-above with a copy of the proposed amendment mailed to the Board members prior to the next Board meeting of October 7, 1981. Mr. Scuderi stated he was personally opposed to the amendment to the act because anytime you give a board taxing powers, the board is prone to run rampant over the taxpayer.

SUPERVISORS' REPORT AND AUDIENCE PARTICIPATION

REPORT ON SALES TAX

Mr. Varnadoe stated that on his last trip to Tallahassee he was told that there is yet another list of documents which must be submitted to the Department of Revenue and once these have been reviewed, the Department will pass on the item. He also reminded the Board that the

Sales Tax Law has not been changed but he was always of the opinion that this law would not exempt most of the contracts let by the District because they were not sale and deliver items within the meaning of the law - i.e. they were sold to the District then someone else came in and install them. The contractor has always had the responsibility of anything being stolen or broken - not the District. The rules of the Department of Revenue as enacted in 1977 were basically in conflict with the Florida Statutes so that when the judge ruled previously - he ruled that the District's contracts were exempted from sales tax. After that the Department of Revenue in 1980 amended their rules to conform with the law and new legislation which Mr. Varnadoe said in all probability would not exempt the District's contracts from sales tax as the District continues to have the contractor responsible for insurance, loss installation, etc.

Mr. Turner asked if the District's contracts could not be written in such a fashion that would ensure the District's being tax exempted to which Mr. Varnadoe answered in the affirmative but the District would be better served by paying the tax and still having the contractor responsible for eventualities.

REPORT ON REQUEST FOR RESOLUTION REGARDING CONNECTIONS TO THE DISTRICT'S UTILITY SYSTEM

In answer to Mr. Turner's question regarding the request for the Attorney for the District to prepare a resolution which would protect the District from a developer connecting two or more services to one tap, Mr. Bolesky stated he had researched the item and under the law which presently governs the District - the District is not allowed to use such a document nor can the District assess penalties. Continuing, Mr. Bolesky said, the District has in the past and continues to operate under a state law (the District's Special Act) which allows it protection under civil law not criminal. Also he stated, the County is once again requiring a sign-off from the District before any County building permit is being issued

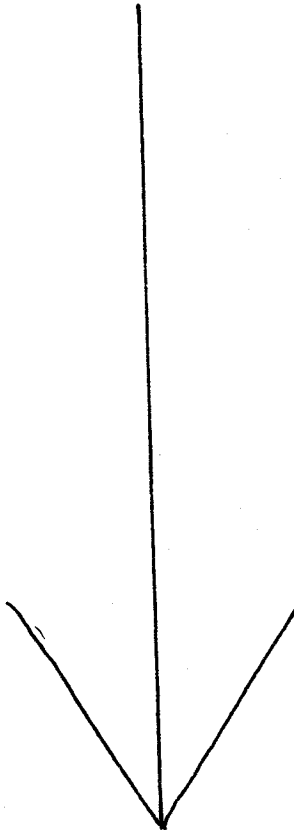
which will be the most efficient way of handling any offenders. In conclusion, Mr. Bolesky said there was no need for the requested resolution.

BOOSTER PUMP STATION REPORT

Mr. Eckert said the signed contracts were to be delivered this afternoon and if the contractor goes by the contract time frame, the booster pump station will be in place before the dry season even though the chances of using the subject station within the next year are slim. Also he stated the (2) two new wells should be in place within the next two to three weeks but that the third well's top section of casing is out of plum and the contractor is attempting now to resolve the problem.

TREASURER'S REPORT

Mr. Turner moved, seconded by Mrs. Moll and carried unanimously that the following operating summaries be approved as presented:



PELICAN BAY IMPROVEMENT DISTRICT
 WATER MANAGEMENT OPERATING SUMMARY
 FOR THE PERIOD 10/1/80 THRU 8/31/81

	<u>BUDGET</u>	<u>ACTUAL</u>	<u>VARIANCE</u>
<u>MEETING EXPENSE</u>			
Supervisors Fees	\$ 5,500.00	\$ 5,500.00	\$ -0-
Travel Reimbursement	275.00	264.25	10.75
Legal Notification	137.50	112.26	25.24
<u>ADMINISTRATION, OFFICE & OPERATING EXPENSE</u>			
Office Expense	4,583.33	4,258.25	325.08
Payroll	31,350.00	25,155.44	6,194.56
Payroll taxes & benefits	4,367.92	1,464.59	2,903.33
Transportation	9,716.67	1,983.44	7,733.23
Swale Maintenance	22,916.67	12,536.20	10,380.47
Water Quality Testing	3,208.33	1,127.00	2,081.33
Insurance	4,899.58	2,666.67	2,232.91
Lawn Maintenance	68,139.50	61,631.97	6,507.53
<u>PROFESSIONAL FEES</u>			
Engineering	11,916.67	11,567.48	349.19
Legal	5,500.00	3,836.25	1,663.75
Audit	3,000.00	1,800.00	1,200.00
Trustee	1,500.00	1,600.00	(100.00)
Totals	<u>\$177,011.17</u>	<u>\$135,503.80</u>	<u>\$41,507.37</u>

PELICAN BAY IMPROVEMENT DISTRICT
 WATER & WASTEWATER OPERATING SUMMARY
 FOR THE PERIOD 10/1/80 THRU 8/31/81

<u>REVENUE</u>	<u>BUDGET</u>	<u>ACTUAL</u>	<u>VARIANCE</u>
Connection Fees	\$170,093.00	\$298,820.88	\$128,727.88
Meter Use Fees	42,240.00	59,036.00	16,796.00
Water & Sewer Revenue	38,603.00	87,739.87	(863.13)
Irrigation Revenue	32,893.00	36,233.80	3,340.80
Totals	<u>\$283,829.00</u>	<u>\$431,830.55</u>	<u>\$148,001.55</u>
<u>EXPENDITURES</u>			
<u>Administration & Operating</u>			
Chemicals	5,295.00	10,116.17	(4,821.17)
Electric	40,504.00	44,592.09	(4,088.09)
Maintenance & Repair	6,856.00	21,239.17	(14,383.17)
Payroll	36,206.17	36,958.38	(752.21)
Water Quality	4,583.33	3,763.96	819.37
Other*	15,731.83	9,068.08	6,663.75
<u>Professional</u>			
Legal	4,583.33	9,496.75	(4,913.42)
Audit	2,000.00	1,800.00	200.00
Trustee	2,000.00	2,000.00	-0-
Engineering	4,583.33	9,604.10	(5,020.77)
Totals	<u>\$122,342.99</u>	<u>\$148,638.70</u>	<u>\$(26,295.71)</u>

Other* Transportation, Telephone, Office, Insurance, Contingencies

Mr. Turner said he had given the developer a bill for the months of July and August, 1981 in the amount of \$450.00.

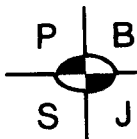
Mr. Byron Koste reported that Mr. Obley, President of Coral Ridge-Collier Properties had yesterday, September 15, 1981, traveled to Washington, D.C. to accept from Mrs. Nancy Reagan in the name of the Pelican Bay development the National Residential Portal Award and voiced for all concern, pride at being recipient of such a distinguished award.

ADJOURNMENT

There being no further business to come before the Board, Mr. Turner moved, seconded by Mr. Brown and carried unanimously, that the meeting be adjourned - Time: 5:45 P.M.

Salvatore C. Scuderi, PRESIDENT

PELICAN BAY IMPROVEMENT DISTRICT



Post, Buckley, Schuh & Jernigan, Inc.

CONSULTING ENGINEERS and PLANNERS

7400 TRAIL BOULEVARD, NORTH, NAPLES, FLORIDA 33940 • 813/597-1145

September 16, 1981

Pelican Bay Improvement District
7440 Trail Boulevard North
Naples, Florida 33940

Attention: Mr. Salvatore Scuderi, President and Board of Supervisors

Reference: Contract Award Recommendation - Phase II Roadway Lighting

Dear Mr. Scuderi and Board:

Enclosed is the Abstract of Bids which we have prepared from the bids received on September 14, 1981, for the above referenced project.

After reviewing and considering the bids received, we recommend that the Contract be awarded to Mid-Continent Electric, Inc., in the amount of \$ 28,356.60. The experience and qualifications of this company have been reviewed and found to be acceptable.

Very truly yours,

POST, BUCKLEY, SCHUH & JERNIGAN, INC.
ENGINEERS FOR:
PELICAN BAY IMPROVEMENT DISTRICT


Jerry W. Eckert, P.E.
Project Manager

JWE/jms

Enclosure

304-018.30

NOTICE OF MEETINGS
FISCAL 1982
PELICAN BAY IMPROVEMENT DISTRICT

THE REGULAR MONTHLY MEETINGS OF THE BOARD OF SUPERVISORS OF THE PELICAN BAY IMPROVEMENT DISTRICT, NAPLES, FLORIDA, WILL BE HELD ON THE FOLLOWING DATES AT 4:30 P. M., IN BUILDING "F", COLLIER COUNTY COURTHOUSE COMPLEX, NAPLES, FLORIDA:

1981

October 14
November 12 - the 11 being Veterans Day, the meeting will be held the day following the Holiday.
December 9

1982

January 13
February 10
March 10
April 14
May 12
June 9
July 14
August 11
September 8

THIS NOTICE ADVICES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PELICAN BAY IMPROVEMENT DISTRICT BOARD OF SUPERVISORS WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ADDITION, THE BOARD MAY CONDUCT SUCH OTHER SPECIAL MEETINGS AS REQUIRED WHICH WILL BE ADVERTISED SEVEN (7) DAYS PRIOR TO THE MEETINGS.

ANY INTERESTED PARTY DESIRING TO APPEAR BEFORE THE BOARD MAY DO SO ON THE DATES AND PLACE LISTED ABOVE.

GARY L. MOYER
DISTRICT MANAGER