

Naples, Florida October 10, 1983

LET IT BE KNOWN, that the Pelican Bay Improvement District met on this date in Regular Session at 4:30 P.M. in The Club at Pelican Bay, 707 Gulf Park Drive, Naples, Florida with the following members present:

PRESIDENT: Salvatore C. Scuderi  
SECRETARY: Douglas G. Brown  
  
TREASURER: Sylvia A. Moll - ABSENT  
  
W. Harmon Turner  
Miles Scofield

ALSO PRESENT: Mr. Gary Moyer, District Manager; Mr. James Ward, Assistant District Manager; Messrs. Ross Obley, Charles Morris, David Caldwell and Charles Penn, Westinghouse Communities of Naples, Inc.; Mr. Jerry Eckert, Post, Buckley, Schuh & Jernigan; Mr. Tracy Bolesky, Attorney for the District and Jean Swindle, Administrative Aide.

AGENDA

1. Roll Call
2. Approval of Minutes of the following meetings:
  - A. August 29, 1983
  - B. September 12, 1983
3. Consideration of the following Water Management easements:
  - A. Vacation of existing easement on Parcel C, Unit I
  - B. Acceptance of modified easement on Parcel C, Unit I
  - C. Vacation of existing easement on portions of Parcel A, B, and C of Pelican Bay Unit IV
  - D. Acceptance of modified easement on portions of Parcel A, B and C of Pelican Bay Unit IV
  - E. Vacation of existing easement on Parcel E, Unit IV
  - F. Acceptance of modified easement on Parcel E, Unit IV
4. Consideration of the following Water & Sewer easements:
  - A. Acceptance of easement for water and sewer lines in Tierra Mar
  - B. Acceptance of easement for water and sewer lines in Bay Villas
  - C. Acceptance of easement for water and sewer lines in Bridgeway

AGENDA (Continued)

5. Award of Bid and consideration of Construction Financing Agreements for Greentree Drive
6. Consideration of Addendum to Agreement for Professional Services for our Consulting Engineer
7. Consideration of State Aquatic Plant Control Funding contract for FY 1984
8. Engineer's Report
9. Manager's Report
10. Supervisors' requests and Audience participation
11. Adjournment

ROLL CALL

President Scuderi called the meeting to order at 4:30 P.M. and asked the record show Ms. Sylvia Moll absent with all other members present.

MINUTES OF AUGUST 29, 1983 - APPROVED AS CORRECTED - MINUTES OF SEPTEMBER 12, 1983 - APPROVED AS PRESENTED

Mr. Scofield moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the Minutes of August 29, 1983 be approved with the following corrections:

Page 1213 - Second Title regarding Agreement between WCN and PBID and connection fee revenue - the Fiscal Year should be "1983"

Page 1216 - Second paragraph from the bottom of the page - second line - "these major lines SHOULD BE completed -----"

Page 1218 - Third line from the top of the page - after the word "will" insert the words - "be considered"

Mr. Turner moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the Minutes of September 12, 1983 be approved as presented.

DELETION OF THREE ITEMS FROM THE AGENDA - APPROVED AS REQUESTED BY  
DISTRICT MANAGER

---

Prior to making any presentations to the Board, Mr. Gary Moyer asked that Items 3-E, 3-F and 4-B be deleted from the agenda, stating that the subject vacation and grant of easements required more research and work.

There being no objection, the above-referenced Items were deleted from the Agenda.

VACATION OF EXISTING EASEMENT ON PARCEL C, UNIT I (BRIDGEWAY VILLAS)  
APPROVED AS PRESENTED

---

District Manager Moyer explained that the first four items of the agenda deal with adjustments to certain water management easements as they affect projects already constructed in Pelican Bay. Continuing, he reminded the Board that when the original water management system was constructed, the Corporation granted blanket easements to the District which covered all of the retention areas. It was explained at that time when projects actually developed adjacent to these blanket easements, some adjustments would be required to accommodate each particular site plan. There are now three such projects, Tierra Mar, Bay Villas and Bridgeway Villas. This item relates to the Bridgeway Villas' water management easement.

At this time, Mr. David Caldwell identified the existing water management easement, by use of a wall map, and in turn, the proposed adjusted easement. Mr. Moyer stated that the District's Engineers have reviewed the modified water management easement and find it to be in accordance with the District's criteria. Additionally, the South Florida Water Management District has approved the subject adjustments.

Mr. Turner moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the vacation of the original water management easement for Bridgeway Villas, Parcel C, Unit I, be approved as presented.

GRANT OF EASEMENT (MODIFIED) FOR BRIDGEWAY VILLAS, PARCEL C, UNIT I -  
ACCEPTED AS PRESENTED

---

This being the companion item to the aforementioned vacation of easement as it relates to the Bridgeway Villas project's water management easement, Mr. Turner moved, seconded by Mr. Scofield and carried 4-0, with Ms. Moll absent, that the Grant of Easement with modifications for Bridgeway Villas, Parcel C, Unit I be accepted as presented.

VACATION OF EXISTING WATER MANAGEMENT EASEMENT FOR A PORTION OF PARCEL  
A, B AND C OF PELICAN BAY UNIT IV - APPROVED AS PRESENTED - GRANT OF  
EASEMENT WITH MODIFICATIONS FOR A PORTION OF PARCEL A, B AND C OF PELICAN  
BAY UNIT IV - ACCEPTED AS PRESENTED

---

Following Mr. Moyer's presentation of the vacation to the original water management easement for a portion of Parcel A, B and C of Pelican Bay Unit IV and the companion item - the Grant of Easement for the modified water management easement of a portion of Parcel A, B and C of Pelican Bay Unit IV, Mr. Scofield moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the vacation of the original water management easement for Las Brisas, a portion of Parcel A, B and C of Pelican Bay Unit IV be approved as presented and the Grant of Easement with modifications representing the same subject area, be accepted as presented.

GRANT OF EASEMENT FOR WATER AND SEWER LINES LOCATED IN THE TIERRA MAR  
PROJECT - ACCEPTED AS PRESENTED

Mr. Moyer presented for the Board's consideration the Grant of Easement for the constructed water/sewer lines in the Tierra Mar project. He stated all developers of Group II parcels are required to dedicate utility easements for the operation and maintenance of the subject water and sewer lines and it is for this purpose that the document is brought before the Board. Concluding, Mr. Moyer said the easement had been prepared and approved by the District's engineers, Post, Buckley, Schuh & Jernigan.

Mr. Turner moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the Grant of Easement for the utility lines located in the Tierra Mar project, be accepted as presented.

GRANT OF EASEMENT FOR WATER AND SEWER LINES LOCATED IN THE BRIDGEWAY  
VILLAS PROJECT - ACCEPTED AS PRESENTED

Mr. Moyer presented for the Board's consideration the Grant of Easement for the constructed water/sewer lines in the Bridgeway Villas project. He stated all developers of Group II parcels are required to dedicate utility easements for the operation and maintenance of the subject water and sewer lines and it is for this purpose that the document is brought before the Board. Concluding, Mr. Moyer said the easement had been prepared and approved by the District's engineers, Post, Buckley, Schuh & Jernigan.

Mr. Turner moved, seconded by Mr. Scofield and carried 4-0, with Ms. Moll absent, that the Grant of Easement for the utility lines located in the Bridgeway Villas project, be accepted as presented.

Pelican Bay Improvement District  
October 10, 1983

---

AWARD OF BID FOR CONSTRUCTION OF UTILITY SERVICE FOR GREENTREE DRIVE  
EXTENSION GIVEN TO ARROW ENTERPRISES, INC. IN THE AMOUNT OF \$94,365.00-  
CONSTRUCTION FINANCING AGREEMENTS APPROVED WITH STIPULATIONS

Mr. Moyer explained this item is for the construction of water and sewer lines from the end of the Unit V Plat - north 800 feet, saying the Unit V Plat ends 1750 feet north of the intersection of Gulf Park Drive and Greentree Drive. The District's Master Plan for the construction of these utility lines is a gravity system which will flow north along Greentree Drive and cross the golf course into a proposed lift station along Pelican Bay Boulevard. Therefore, in order to construct the needed facilities, it is proposed that the District build a portion of the permanent sewer lines in Greentree Drive to serve Parcel E. In order to connect this 800 feet of sewer line into the District's existing system, the District proposes to build a force main and lift station to tie in these permanent facilities. The force main and lift station are considered temporary facilities and will be abandoned when the District undertakes the construction of the balance of the gravity sewer in Greentree Drive. The responsibility of payment for these temporary facilities has been assumed by Westinghouse Communities of Naples, Inc. and will be covered under the terms and conditions of the proposed agreement. The value of this work, in the amount of \$31,230.00 will not be considered reimbursable to the Corporation as the facilities are temporary. The District's financial responsibility will be in the amount of \$63,135.00 for construction of the permanent facilities and will be covered under the terms and conditions of the proposed agreement.

Regarding the proposed agreement between the District and the Corporation for the construction financing of the permanent facilities,

Pelican Bay Improvement District  
October 10, 1983.

---

Mr. Scofield asked for the deletion of the "interest paragraph", pointing to the District's current deficient financial position as being his reason for deep concern. Mr. Turner stated he would like for the Corporation to pay "all that he will" but reminded the Board that the subject agreement is in the same form as originally used between the District and Corporation and has been acceptable in times past. Mr. Charles Morris of Westinghouse Communities of Naples explained the interest charge of 8% over a period of ten years as being the most inexpensive source of monies available to the District and because this same subject was addressed during January of this year, he could add no more information than that which had already been brought before the Board. President Scuderi commented this was once again the age-old question of whether or not the developer builds "the construction of utilities cost factor" into the selling price of the land which is, in turn, absorbed by the purchaser. This being so, the District should not have to repay any "interest charge" but only the construction monies. Mr. Morris again asked that there be no delay in the starting of this construction as the service is needed. At this time, Mr. Moyer suggested a compromise and asked the Board to approve the proposed Agreement, deleting the "interest paragraph", then submitting same to the Corporation for their consideration and/or approval. Mr. Moyer concluded his remarks by stating he could appreciate both sides of the discussion and recalled how the Corporation has been consistently helpful to the District in all its undertakings. Both the District and the Corporation desire to give the best possible situation to the purchaser in Pelican Bay.

Prior to making a motion, Mr. Turner reiterated that he did not want to "give" the Corporation the 8% interest charge but thinks this is the most inexpensive method of securing the necessary monies for the District. At this time, Mr. Turner moved, seconded by Mr. Scofield and carried 4-0, with Ms. Moll absent, that the Agreement between the District and the Corporation in the amount of \$63,135.00 be approved subject to the deletion of the "interest clause" and submitted to the Corporation for their consideration.

Regarding the second Agreement between the District and the Corporation in the amount of \$31,230.00, monies which will not be reimbursable to the Corporation, Mr. Turner moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the said Agreement be approved with the following changes:

All contents of the "WHEREAS" paragraphs will be incorporated into the "NOW, THEREFORE" portion of the Agreement.

Mr. Scofield moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the Engineer's recommendation of low bidder, Arrows Utility Systems, be awarded the total bid in the amount of \$94,365.00 ---- subject to the approval of the financial agreements by the Corporation.

ADDENDUM TO AGREEMENT FOR PROFESSIONAL SERVICES FOR THE DISTRICT'S  
CONSULTING ENGINEERS - POST, BUCKLEY, SCHUH & JERNIGAN - APPROVED  
AS PRESENTED

Mr. Moyer presented for the Board's consideration an Addendum to the Agreement with the District's Engineers, Post, Buckley, Schuh and Jernigan for professional services. In reviewing the item, Mr. Moyer stated that two years ago the District and PBS&J entered

Pelican Bay Improvement District  
October 10, 1983

---

into a "retainer-type" agreement which amended the original agreement dated 1977. This Addendum is an update of the previously referenced Agreement and provides for a change in the fees for general engineering consulting service. The figure, as proposed in the Addendum, is \$6,050.00 to be paid quarterly.

Following discussion, Mr. Turner moved, seconded by Mr. Scofield and carried 4-0, with Ms. Moll absent, that the Addendum to the Agreement with Post, Buckley, Schuh & Jernigan, the District's Engineers, in the amount of \$6,050.00 quarterly, be approved as presented.

STATE AQUATIC PLANT CONTROL FUNDING CONTRACT FOR FY 1984 - APPROVED AS PRESENTED

---

In reviewing the District's State Aquatic Plant Control Funding contract for the fiscal year 1984, Mr. Moyer identified the Attachment "A" in its entirety. It allows the District to conduct aquatic plant control activities under the auspices of the Department of National Resources and receive approximately 22% of the current budget in state funding. The form of Attachment "A" is standard in nature.

Mr. Turner moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the State Aquatic Plant Control Funding Contract for FY 1984 be approved as presented.

ENGINEER'S REPORT

Following Mr. Jerry Eckert's presentation of the Certificate of Payment #1 for the engineering design service of Pelican Bay Boulevard Extension Water/Sewer service, Mr. Scofield moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the following Certificate of Payment be approved for payment:

Pelican Bay Improvement District  
October 10, 1983

---

---

Pelican Bay Boulevard Extension W/S Design	No. 1 Post, Buckley, Schuh & Jernigan	\$ 3,053.30
---	---------------------------------------	-------------

TOTAL AMOUNT ALL INVOICES	\$ 3,053.30
---------------------------	-------------

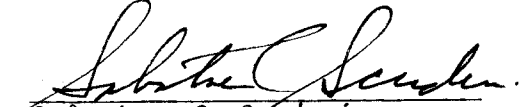
MANAGER'S REPORT

Under the Manager's Report, Mr. Tracy Bolesky, Attorney for the District, reported that a check in the amount of \$30,060.00 was being transmitted to the District as of this date. These monies represent the District's refund on previously paid sales tax from the State of Florida.

It was the consensus of the Board to hold the next Board meeting on Wednesday, November 9, 1983 and continue to use Wednesday as the regular meeting day.

ADJOURNMENT

There being no further business to come before the Board, Mr. Scofield moved, seconded by Mr. Brown and carried 4-0, with Ms. Moll absent, that the meeting be adjourned - Time: 5:40 P.M.

  
Salvatore C. Scuder  
President  
PELICAN BAY IMPROVEMENT DISTRICT