

Naples, Florida May 23, 2000

LET IT BE KNOWN, that the Pelican Bay MSTBU Advisory Committee met in Special Session on this date at 3:00 P.M. at the Foundation Center, 8269 Hammock Oak Drive, Naples, Florida 34108 with the following members present:

Mr. Lou Vlasho, Chairman Mr. Herb Hasson

Mr. James Carroll, Vice Chairman Mrs. Cornelia Kriegh (Absent)

Mr. Joseph Bawduniak Mr. David Roellig

Mr. Thomas Brown Dr. Alan Varley

Mr. Edward Griffith (Absent) Mr. George Werner

Mr. Glen Harrell

ALSO PRESENT: Approximately twenty-three (23) Pelican Bay residents; Mr. Neil Dorrill, Dorrill Management Group, Mr. Ray O'Connor, President, Pelican Bay Property Owner's Association; Richard Yovanovich, Esq., Goodlette, Coleman & Johnson, PA; Mr. Ronald Albeit, Manager, Registry Resort; Mr. Ed Finn, Interim Public Utilities Administrator; Mr. Kyle Lukasz, Field Manager, Pelican Bay Services and Mr. James P. Ward, Department Director, Pelican Bay Services; Mrs. Barbara Smith, Recording Secretary.

AGENDA

1. Roll Call
2. Approval of the Minutes of the May 3, 2000 Meeting
3. Pelican Bay Governance Review
 - Overview of Community Alternatives – W. Neil Dorrill, Dorrill Management Group
1. Administrator's Report
 - Clam Bay Restoration Program
 - Interior Tidal Channels (Phase II & III)
 - Cattail Removal
 - Capital Projects
 - Street Lights
 - US 41 Berm Improvements
 - Community Issues
 - Exotic Control
 - Consent to Use Water Management Easement by Registry Resort

1. Budget Plan Review – Fiscal Year 2001
2. Consideration of Contract Manager Services with the firm of Severn Trent Environmental Services, Inc. for Fiscal Year 2001
3. Committee Requests
4. Financial Statement Review
5. Audience Participation
6. Adjourn

ROLL CALL

Mr. Vlasho called the meeting to order and asked that the record show Ms. Cornelia Kriegh and Mr. Ed Griffith with excused absences.

APPROVAL OF THE MINUTES OF THE MAY 3, 2000 MEETING

Mr. Bawduniak moved, seconded by Mr. Werner and approved unanimously the Minutes of the May 3, 2000 meeting.

PELICAN BAY GOVERNANCE REVIEW

OVERVIEW OF COMMUNITY ALTERNATIVES – W. NEIL DORRILL, DORRILL MANAGEMENT GROUP

Mr. Ray O'Connor, President of the Pelican Bay Property Owner's Association explained that on May 4, 2000 the Pelican Bay Property Owner's held a public meeting to discuss the proposals that were advanced by Mr. Dorrill, a copy of which was passed out at your last meeting. After questions and answers, our Board reconvened after the meeting and voted unanimously to proceed on Alternative #3. This alternative would create a Dependent District in Pelican Bay with elected Supervisors. We also voted to ask the MSTBU to consider adopting this proposal as well and to move on. I will not go into many of the reasons discussed last time regarding an elected Board of Supervisors to satisfy some of the concerns of the community. I would like to point out that one of the criticisms we have been hearing about the various boards in Pelican Bay has been the problem of figuring out how to get community involvement in the election of their Board Members. This is a move forward. The Pelican Bay Property Owners have been wrestling with it and I have found out that the Foundation is trying to solve this problem as well. An even more serious concern that people have brought to our attention over the period we have been looking at governance has been what I choose to call "interlocking directories". People seem to move from one board to another. That was more prevalent in the past than it is now, but I think it was a concern. The Property Owners, in order to solve that problem, have adopted a policy that we would not entertain having anybody on our Board that was a member of another board within Pelican Bay, such as the MSTBU or the Foundation. That way we could avoid some of the criticism. I think election of officers down the line in the Pelican Bay Property Owners Association is also a goal of mine. I also think an election of supervisors for the community would go a long way to advancing some of the credibility of the boards that are currently in place.

Mr. O'Connor continued that it is a perception of the people that they are not fully involved in what takes place here, but I also think some of it is their fault. They don't attend meetings and they don't get themselves brought up to date of what occurs in the community, but the perception is out there. I think it is up to us who do take leadership roles in the community to try to solve it. I hope you have had an opportunity to review Mr. Dorrill's Report.

Mr. Dorrill explained that he has a presentation, but since you have had the benefit of receiving the report, I can skip ahead. I was part two of an engagement that involved being a client of the Pelican Bay Property Owner's Association. Part one was a review by my colleague and former public administrative friend, Richard Woodruff, who was City Manager of Naples. Mr. Woodruff did a Phase One review on the aspect of the evaluation of the Pelican Bay PUD and its' Development Order, the General Restrictive Covenants and the individual Neighborhood Covenants. This review was to look at the zoning issues of the community going forward through the transition process and evolving at the end of the development phase by the original developer. In addition, we were authorized to evaluate the exiting District, which was created in 1990 as a result of an action and series of issues involving the Board of County Commissioners and a claim involving the ownership of the utility system

here. One of the settlement issues on the District's side was that the Board of County Commissioners created your current District in 1990 by adopting Ordinance 90-111. This is the legislative instrument that creates and provides for the authority of this Advisory Committee under the General Powers and Home Rule Authority that each of the sixty-seven counties in the State has under Chapter 189. Florida and Colorado are unique in that they have many special sub-districts of the State that are authorized by the Boards of County Commissioners or in some instances, historically by legislative action as well. Most of you are familiar with the fact that there is a sister type district across the road at Pelican Marsh, which is the only other type of Special District of this municipal nature in Florida. This is a Community Development District, which involves and uses an arm of municipal tax exempt bonds and taxing powers that large developers are using to develop infrastructure in communities like Pelican Bay. This District is not a Community Development District (CDD). It is unique in that it was one of the first Districts in the State of this type, along with the Reedy Creek District, which is the governmental entity that provides municipal services to Disney World and the surrounding area.

Mr. Dorrill continued that what we were asked to do is to evaluate from a goal and objective standpoint the issues of governance going forward and to develop some alternative scenarios for the community to consider. Specifically the directive was done in such a way that the outcome or desired outcomes were to be first and foremost, to maintain or continue to provide for increasing property values both of a commercial and residential nature within the community. The second item we were asked to evaluate and to keep in mind as part of our study was the on-going provision of superior quality public services at the best cost, not necessarily the lowest cost. The third desired outcome going forward and recognizing the end of development here was to increase both the autonomy of the leadership of the Supervisors which is the role you obviously serve in, and at the same time to increase the accountability of the management and operating entity that is recognized through the employees that you have and those government services that you provide to the public areas and rights-of-way within the community. With those three desired outcomes, the three alternatives that we identified were to become a totally Independent District as formulated under Chapter 189 and/or as a result of a special act of the Legislature. We developed some pros and cons associated with that. The one that I would point to you as the closest you would recognize would be your own fire and rescue district. The North Naples Fire and Rescue District is a totally Independent Special Government District, created by the Legislature, which is totally independent of the Board of County Commissioners. Another good example would be the Collier County Mosquito Control District. Many people are confused in our community thinking that their fire department or the Mosquito Control District is part of County Government. That is just not true.

Mr. Dorrill explained that option number two would be to remain a Dependent District. In addition to you, an example is that the County is involved in certain fire department activities in their own Special Districts. The best one I can point you to is the Isle of Capri. It is a Fire and Rescue District, but in this case it is chartered by the Board of County Commissioners and is an activity that they perform and have the ultimate say and authority over as is the case here in Pelican Bay.

Mr. Dorrill stated that the third option and the one we are actually suggesting to the client and in turn suggesting for your purposes, involves a hybrid of the two. We have done the necessary background and legal research and have a letter of opinion from the Young, van Assenderp Law Firm in Tallahassee, who actually wrote the Statute, to verify that this was in fact a legal mechanism that is available to the Board of County Commissioners. They have been involved in the creation of as many Special Districts in the State as perhaps any other firm. The example I would use for what it is that we are trying to obtain, although this would be a first for County Government, is the Collier County Airport Authority. They operate with rather broad delegated authority on the part of the County Commission. They make and involve themselves in their own human resource and risk management issues, their own purchasing, procurement and awarding of bids and the general administrative and the operating powers rest with the Airport Authority Board Members and not the Board of County Commissioners. That is what we are trying to develop as the preferred alternative for Pelican Bay in order to reach that original third outcome. That outcome is to increase the independence and autonomy from the County that you would have going forward. At the same time to give you as Supervisors or Directors, broader authority to make the final decisions for this community that are going to be effectuated through the services of the bids, employees or programs that you choose as an independent board. Our suggestion in the way to accomplish that would be through individually elected and Independent Supervisors who would remain under the County Commission for the sole purpose of determining the final appropriation of your operating budget. If you are going to remain a part of County Government you must be in the unincorporated area and you must allow the County Commission the final budget appropriation authority to reap all of the other benefits of a Dependent District. We think those are extensive. The main reason for us recommending that you maintain a hybrid district with Independent Supervisors, but relying on the County for your overhead support is just the fact that the County's economies of scale and their existing administrative operations are already supporting your district. Whether it is through human resources, payroll, finance, accounting or legal services and purchasing and procurement services, you are a part of an overall large county organization. The indirect cost and allocation mechanism that covers that administrative overhead could not begin to be offered on an independent scale if we look at the other alternative, which was an Independent District. In that particular case the Independent Fire District has to provide, create and administer its' own activities. There are some very good benefits of remaining dependent as it involves cost efficient of what I call "back of the house and support activities" for what the district wants and needs to do in going forward.

Mr. Dorrill continued that we have been authorized to proceed to the next level, which would be to actually engage some legal

services to prepare a "Proposed" Ordinance Amendment. That Amendment would create independent elected supervisors for Pelican Bay and at the same time be able to do that in conjunction with your Fiscal Year, maintain the same Fiscal Year and the same type of administrative support that exists with the County. Further, our research has indicated that for those who would be elected Supervisors as opposed to appointed Advisory Board Members, which you are now, there would be no change in the financial reporting requirements for public officials. Public officials that are not specifically identified in the Constitution are required under Florida Law to file a Form I Disclosure, which only requires you to substantiate the sources of income that you have on an annual basis. The Form VI Public Disclosure is the one that you may be more familiar with for the Elected Constitutional Officers, the Board of County Commissioners and School Board Members who are required to file a more exhaustive financial disclosure and net worth statement as part of their office. That form would not be required. The requirement would be the same as for any other advisory board. That has been confirmed with the Supervisor of Elections Office.

Mr. Dorrill explained that is the balance of the work that we were asked to do in conjunction with Dr. Woodruff and the conclusions that we have reached and recommended. I would be happy to answer any questions.

Mr. Bawduniak stated that you used the term "Independent Supervisors", did you mean Dependent Supervisors?

Mr. Dorrill replied independently elected Supervisors.

Mr. Harrell asked if there are any negative aspects to this form of government that we ought to be aware of?

Mr. Dorrill replied that he could not identify any. I would tell you that people that are truly Independent Districts and Chartered under the Statutes or by the Legislature through a special act like the North Naples Fire District might tell you that there are some unique aspects to being totally independent from County Government. I would submit to you that they do that at the expense of the unnecessarily high cost of administrative overhead that I talked about. They have to engage in retaining legal counsel, finance and computer services and all of the work associated with purchasing and procurement activities. I still see that as a downside of being totally independent. You don't otherwise get to spend that money in the pervasion and delivery of services since you are spending it on administrative support.

Mr. Hasson asked that other than the fact the MSTBU will be an elected body, what other changes do you see?

Mr. Dorrill replied you would have full and complete delegated authority as part of the Ordinance Amendment to be the final decision on any and all business matters.

Mr. Hasson stated we have that now.

Mr. Dorrill replied no, you actually do not. If you were to take action today to award a bid for a pick up truck, you would only be doing that in an advisory capacity. That will ultimately appear on a Board of County Commissioners Agenda. That would not be necessary. Any of those true business matters and decisions and the final authority to make those would rest with the independently elected Supervisors. The one exception would be the final and advertised Public Hearing to adopt the County Budget. Whether it is this one, the Sheriff's Budget or the Board of County Commissioners Budget they must rest with each of the sixty-seven county commissions in the State of Florida to be a Dependent District.

Mr. Vlasho asked if the Sheriff's operations were another example where they are an independent/dependent?

Mr. Dorrill replied somewhat. The Sheriff is an independently elected constitutional officer, but his final budget appropriation rests with the Board of County Commissioners.

Mr. Bawduniak asked that with respect to the bid process and award of contracts, would this elected body of Supervisors have to be in compliance with the same practices that are used by the County now? In other words, would they have to subscribe to what the purchasing considerations were? You used the words "best price" rather than "lowest price" and that sounds interesting for us, but this means this elected body would be making dollar judgements and would these all have to be in compliance with what the purchasing people in the County do now?

Mr. Dorrill replied that it could or you could develop your own purchasing guidelines or policy, which is the case with the Airport Authority. You may choose to set some restrictions in terms of what dollar levels or limits you may want to have for written quotes or what level higher than that you would want to have sealed bids submitted. My desired outcome for you concerning the best price would be a function of your bid specifications. Making sure that the bids or proposals you receive

adhere to your bid specifications or the Pelican Bay Purchasing Policy that you would choose to adopt.

Mr. Bawduniak asked if in your opinion we have those resources in Pelican Bay right now to generate, review and bring them to that elected body or would we have to hire people who are specialists to do that?

Mr. Dorrill replied that the current staff being supported by the County Purchasing Director and his very able staff, which gets back to my other point about one of the benefits of being a Dependent District, is that you still have that "back of the house support". You have the full muscle to enforce power of the County that you can bring to bare for that type of service.

Dr. Varley stated that his understanding is that just rewriting the Ordinance that creates the MSTBU would do this.

Mr. Dorrill replied that you would be amending that particular Ordinance and you would have to do that at a duly advertised Public Hearing before the Board of County Commissioners. The County Commission obviously needs to vote in a majority in support of whatever those changes are. We have had the opportunity to brief your District Commissioner, Commissioner Carter, and he is very supportive and very enthusiastic about the opportunity for you to have a little more independence.

Dr. Varley asked if each of these things would be deliberately spelled out? I understand the election and I am in favor of that. I also think that just electing the people that sit on this Board is not really what we are trying to get at. We are trying to change the way this community is being managed.

Mr. Dorrill stated that provision would be that delegated authority that I spoke to. You need to spell out those aspects of County Policy that you wish to make the final business decision over, whether it is awarding bids, purchasing and procurement, human resource matters, etc. Those are the types of things that need to be spelled out.

Dr. Varley asked that after the Annual Budget is prepared and approved by the Collier County Commission, then the implementation throughout the course of the year would then rest with the Board of Supervisors, is that correct?

Mr. Dorrill replied it is to your discretion to effectuate or implement the Annual Budget and make the final business decisions during the course of the year.

Dr. Varley asked if these would then not have to appear every time on the County Agenda?

Mr. Dorrill replied, as is the case with the Airport Authority.

Dr. Varley asked if contracts would be let directly by this group?

Mr. Dorrill replied within or as part of whatever prescribed policies which you may choose to adopt and the various limits and authority levels.

Dr. Varley stated he believes that there are continually variances that are granted to builders in the community as it relates to the water management area. Would this group do them then?

Mr. Dorrill stated that they could. I would tell you that you are going to be stepping beyond the service delivery guidelines and stepping over into the implementation of the County Land Development Code. It is my opinion that could be an option for this Board to in effect act on behalf of the County Planning Commission for that type of variance mechanism. That is a completely new and different area from those that we have contemplated as part of this study. Those involve more land use decisions going forward as opposed to the course that they would otherwise take, which not only would include your Foundation which has architectural review and approval, but would also then include the County Planning Commission and Board of County Commissioners.

Dr. Varley stated that I am not talking about the Covenants and their enforcement, but I understand we are frequently granting variances and one is on the agenda today as an example. You believe these would be done by this Board, depending upon how the Ordinance was written?

Mr. Dorrill replied that it could be, based on policy determinations that you would need to make in conjunction with reviewing this Amended Ordinance.

Dr. Varley asked who would own all of the equipment here then? Would the Board and community own it, or would the County continue to own the trucks, lawn mowers, etc.?

Mr. Dorrill replied I think that it would be arguable whether the County owns them. While they are purchased and may have an asset tag affixed which identifies them as a County piece of equipment, that would not change. My position on that is, if they have been purchased with and by those qualified properties and assessment payers within this District those are assets which should be used for the exclusive use and benefit of the people who paid for them.

Dr. Varley stated they could be used, but would they belong to the Board of Supervisors then?

Mr. Dorrill stated that is a good question. I don't know if you would have to go through the exercise of changing the titles on vehicles and the like. That is a type of legal question that I believe the van Assenderp Law Firm would be in a better position to answer.

Mr. Vlasho asked what if a new truck was purchased in January and this Ordinance change was in effect, which would own the new trucks?

Mr. Dorrill replied that I think my position on any new purchases after October 1, which is the beginning of your Fiscal Year, could be put in the name of the District Supervisors. If we are going to go about changing title, that is something I would need Mr. van Assenderp's advice on.

Dr. Varley asked if the ownership of the Conservation Area would change?

Mr. Dorrill stated that his understanding is that the Board of County Commissioners holds the current Conservation Area by deed. Only in the event were you willing to accept the deed and whatever Restrictive Covenants and Conditions or exotic removal aspects of your environmental permits and that again would be a policy determination that you would need to make and/or request of the County.

Dr. Varley stated that I guess what I am getting at in a rather sneaky way is, would it spell out who would be responsible for the management of the mangroves?

Mr. Dorrill replied that it could. If this Board is desirous of including the Fee Simple ownership and responsibilities of the Conservation Area as part of the otherwise assets or amenities and responsibilities of the District going forward, that could be one of the series of laundry list items that you would incorporate into the Ordinance.

Dr. Varley stated that there are going to be questions in the future and there is now with regard to beach access. Who would be deciding those? Would it be this Board of Supervisors or the County?

Mr. Dorrill stated that historically you need to go back and look at the original concept plan for the community and the conveyances that were made in the record that has been built. I think far too many people lose sight of the fact that one of the finest beaches and beach accesses anywhere on the West Coast of Florida was conveyed by Pelican Bay to the Board of County Commissioners in Clam Pass Park. That was an obligation of the original Development Order as was the public access and parking facility that is at the north end adjacent to the Ritz Carlton Hotel. My contention as it relates to public access is, those obligations were completely fulfilled and upheld as part of the original Development Order. There are no other obligations that need to be met on the part of this community for public beach access.

Dr. Varley stated that I guess what I am getting at is if there is going to be increased pressure to change the way the access to the beach is handled, is that something that would go through the Board of County Commissioners entirely and exclude the community or would it go through this Board of Supervisors?

Mr. Dorrill replied that as it relates to the two public beach accesses that are here, it would have to go through the Supervisors.

Dr. Varley asked what if they wanted to create a third or fourth one?

Mr. Dorrill stated that I think the practical aspects of that are almost impossible. My understanding of the ownership of the other beach accesses and amenities are held by the Not-for-Profit Master Homeowners Association, otherwise known as the Foundation, for the exclusive use of the residents of this community. The Board of County Commissioners cannot show a public need or necessity to try and condemn those when they otherwise have accepted the other two beach facilities.

Dr. Varley stated that there are only two tiny spots on the beach that belong to the Foundation and there is an awful lot of it that belongs to the County as long as they own the Conservation Area.

Mr. Dorrill stated that the key is access and the most important access are those tramways and boardwalks that otherwise provide for that access.

Dr. Varley stated those are no more than easements over County land.

Mr. Dorrill stated that it is an Exclusive Easement that accrues to the benefit of the residents of Pelican Bay. My contingent is that the asset that is within that easement is for the benefit of the residents and not the general public, which has otherwise been afforded access at the north and south end of the beach.

Dr. Varley stated that I guess my point is that I would hope in the future, and I think it may be ten, fifteen or twenty years in the future when this kind of discussion comes up, that the community would have some kind of official voice in it. I would hope it could be through this Board of Supervisors.

Mr. Dorrill replied not only through the Supervisors but also the little history lesson which I allude to which is that this community has more than met its' obligations for public beach access and amenities as part of the original Development Order. Any challenge or threat to take those other beach accesses, which are private, would be worth taking all the way to the Supreme Court. My hunch is that they would not prevail on this issue.

Dr. Varley stated that I think it would be very helpful to have this Proposed Draft Ordinance.

Mr. Brown stated that I am glad to hear you bring up the other two beach accesses. Somebody on this Board has mentioned that before and it has fallen on deaf ears. There are four accesses to the beach; one at the north and the parking is within Pelican Bay. The south end has the parking within Pelican Bay at Seagate and they take the boardwalk over to the beach. The other two accesses are restricted because Pelican Bay pays them for.

Mr. Dorrill stated that I applied the same logic to the obligations that were made in Park Shore. People love to rant and rave about access and I think as Park Shore was platted and developed by the Lutgert families over the years they were very generous in their provisions for beach parking and access. I think people lose sight of that. I feel strongly enough about that I think you need to stop and argue that every chance you get.

Mr. Brown stated that he would like to see the actual cost of what you are talking about. You talked about advertising, elections; somebody is talking about owning property, what is the financial impact on any change here? I think that ought to be up front instead of saying we want people to look at this or we want a vote or decision and then after the fact the costs come in a mere half million dollars here or two millions dollars there.

Mr. Dorrill replied that during the time I was County Manager we developed a Direct and Indirect Cost Allocation Schedule and system to provide for the various administrative support that we have discussed. I presume that your current budget continues to have some type of cost allocation for County administrative support. I am not contemplating any additional or increased costs for the administration of this hybrid district. If you were to have a special election outside of the normally scheduled elections that would occur this year in either the September or November General Election, I think the County Commission would look to this District to pay the costs for that special election. They are not obligated to provide for a special election. You would not be asked to pay the cost if they are otherwise scheduled elections as set by the Bureau of Elections under the Secretary of State. Those costs have to be borne by the Board of County Commissioners.

Mr. Brown stated that there is nothing worse than for a group of people to say this is what we want and then all of a sudden costs start to come in. I think you ought to be up front.

Mr. Dorrill replied that in that case if you chose to have an election next February during the height of the season, then at that point I would suggest that you direct staff to do some cost estimates to hold a special election. I don't know what those costs would be.

Mr. Brown stated there would be no reason for that. You asked about purchasing and owning assets. Would that add any costs to the administration as we are today?

Mr. Dorrill stated no, other than those allocated costs that you might be paying today in support of the County Attorney or

Purchasing Division or other administrative costs. I don't know to what extent you are currently paying those particular indirect costs.

Mr. Brown replied I don't care if it is \$1,000,000 or \$2.00. There ought to be an analysis made on what costs are we talking about. To say there won't be any, I think any time you look at a division and bring it into a company there are additional costs that have to be taken into account. The question is what are the costs?

Mr. Dorrill stated that you are probably paying for those currently as part of some on-going County Budget cost allocation system that may be in place. Those are paying for the support services that I m suggesting should remain the same.

Mr. Brown stated that if that is the case then it should be put in writing and Commissioner Carter agreeing by saying that there would be no additional costs.

Mr. Carroll stated that right now the County provides quite a few services such as water/sewer, trash, street maintenance, police, etc. Would that change in any way?

Mr. Dorrill stated that I do not believe that the utility services are ever going to change. That is something I do not believe the County Commission is going to allow you to have. That has previously been contested and was litigated all the way to the Supreme Court. The County Regional Water and Sewer Authority owns those assets, which in and of itself is a Special District created by the Legislature. The other services that you alluded to concerning Sheriff services or the extra ordinary Sheriff services that you are currently budgeting are going to remain at your discretion as part of whatever budget you prepare.

Mr. Carroll asked about street maintenance and trash?

Mr. Dorrill replied those would be at your discretion as a result of direct contracts or services or interlocal agreements depending upon whom it is that you choose to provide those services.

Mr. Carroll asked if there would still be an MSTBU taxing district such as it is now?

Mr. Dorrill replied yes and there would continue to be. Your employees would continue to be employees of the Pelican Bay Services Division and continue to be on the County payroll and part of the Florida Retirement System, which from an employee motivation and benefit perspective is very important. None of that would change.

Mr. Carroll asked if you would visualize a phase change into this or would you just elect all nine or eleven members?

Mr. Dorrill stated that I would suggest that is your decision because you are going to have to make policy determinations, not me or not an attorney. I think that it is a good public policy to phase in elected supervisors over time as opposed to having a sweeping change. I think the other thing you would need to determine is that I understand you recently amended your Ordinance to reduce the total number of Supervisors that you would choose to have. If you are happy with that, it could remain. If you would prefer to have a further reduction in the number of elected supervisors, that is a policy decision that this Board would need to recommend to the County Commission.

Mr. Roellig stated that if we are going to have additional responsibilities we are going to have to have additional employees. You say that if we get it from the County we have an economy of scale, but I don't see how that can be balanced. I think there should be an analysis of how many additional employees this District would require. If you are going to do bids, open bids, or if one of our bids is protested, you are going to have legal questions, to me it is obvious that you are going to have to have some additional employees.

Mr. Dorrill replied, keep in mind that is the genius behind having a hybrid district. If you have a bid protested today the County Purchasing Director, in conjunction with your staff, would handle it. I am not suggesting a change to that. If your employees today were to bring you a petition to certify to unionize themselves that would be handled by the County Human Resource Department and County Attorney. If that were to happen next year and you were a Dependent District, but independently elected Board, that wouldn't change. Those "back of the house" support items would continue to be there. I do not see any additional work because all of the administrative support is going to continue to be provided by County departments that work in conjunction with your department. Rather than just acting as an Advisory Board you are going to be the final determinate for business decisions if you are acting as elected Supervisors.

Mr. Roellig asked how the Campaign Finance Laws would impact the elected Supervisors? Would they have to file reports

and would they solicit donations for campaign funds, etc.?

Mr. Dorrill replied any of the election aspects would be covered under the Florida Election Code, which is administered by the Secretary of State. The necessary disclosures or campaign finance support and expenses would have to be filed with the local Supervisor of Elections who is the Constitutional Officer who administers the Election Code at the local level.

Mr. Roellig stated this is why I am not necessarily in favor of elected supervisors because in lieu of volunteers as we have now, people who have to go before the Board of County Commissions for appointment are generally known by the Commissioners. People who want to run for these positions would have to be involved with all of the finance laws and if you read the papers there are many seemingly innocent mistakes made and fines levied. You see elections in the City of Naples where a couple of councilmen were fined for making unintended mistakes. If you go to elections I think you are going to get a different breed of cat sitting at this table.

Mr. Dorrill stated I am not qualified to answer that, but I would take exception to your one comment that currently if you were a political appointee that you are well known by all of the County Commissioners. I would be willing to tell you that if you stopped any one of the County Commissioners today, aside from your own Commissioner, and ask him to name two of the current members of this board they could not do it.

Mr. Roellig replied I understand that. I would be surprised if the other four Commissioners would vote against our local County Commissioner.

Mr. Dorrill replied they have. I do not disagree with you, but that is a policy decision that you need to make.

Dr. Varley asked where the CDD fits in with your complete independence to complete dependence.

Mr. Dorrill replied that CDD's are a mechanism that came about after the original creation of the Pelican Bay Improvement District. The problem with the CDD now is that it requires the support or approval of all of the property owners. When the original property owner was Coral Ridge-Collier Properties, a Joint Venture that would have been easy to do had the law allowed for that. In the case of Pelican Marsh where WCI is the only property owner of record, that is easy to do. It would be impossible to do now given the thousands of subdivided property owners that exist.

Dr. Varley asked if a CDD has more independence than this group does?

Mr. Dorrill stated that a CDD is totally independent of the Board of County Commissioners?

Dr. Varley asked if they have to worry about unionization themselves or do they have to worry about bid protests on their own?

Mr. Dorrill replied a CDD would be as subject to that type of completely independent function.

Dr. Varley asked if they get any County help?

Mr. Dorrill replied they would get no more than the North Naples Independent Fire District receives, which is none.

Mr. Bawduniak stated that I think any elected body is a good thing. I don't think such a body would change much in Pelican Bay, short term. These people don't make many mistakes. I have not been here long enough to make any historical observation, but they do a good job. I think long term it is very valuable and would be important to Pelican Bay and their future governance. I have attended all of the meetings and I have to admit that I came here today thinking that if a motion were not made I would make the motion to roll along with this. Costs you always want to look at and you don't want to waste money. Having heard from some of my comrades the concept of how would this thing get started, what guidelines would be in place, I guess I don't know enough about that today to feel comfortable. I have heard that echoed in other words from others here. I would like to know more about the starting procedure. You would have a group of elected Supervisors, whatever the number is, and my concern is where would they be starting. Would they have a set of requirements and regulations or would they have to come in and create a set for what they were going to do and pass it by the County? That is a little fuzzy to me, so that tends to make me pull in my horns a little, while I am very much in favor of elected officials here and doing away with the MSTBU. You are doing away with the MSTBU and no one has really said that. You are doing away with the MSTBU and creating Supervisors, fine. I think it has been highlighted enough here to be of concern to me and I would like to hear more about how these people would start in governing.

Mr. Dorrill stated that I would submit to you that our client, who is the Pelican Bay Property Owners, has authorized us to create a starting point. The only way any of this is going to be done is if there is an Amended Ordinance that is prepared and submitted back to this body in advance of going to the Board of County Commissioners. They have asked and authorized us to prepare a legally sufficient Amended Ordinance that would outline some various policy considerations, whether they deal with purchasing, or number of Supervisors and those types of issues. That work needs to be done before you could make a final determination or to make suggested revisions to that Ordinance before it goes to the County.

Mr. Bawduniak asked what you are saying is that the draft of the Ordinance itself would probably provide a lot of the answers to the basic concept that I just brought up?

Mr. Dorrill replied it would certainly provide answers or it would give you the opportunity to then make educated adjustments or alternative policy determinations once you actually have an Ordinance in your hand and you can see what your powers and authorities are spelled out and proposed to be.

Mr. Bawduniak asked Chairman Vlasho if he would suggest a motion be made today to proceed forward to examine that draft or support the creation of that draft?

Mr. Vlasho replied that after we have fielded all of the questions, something like that would need to be done.

Mr. Brown stated that this Board has somebody that represents the developer, and commercial. We have four major commercial areas in Pelican Bay. Nothing on this elected Board has addressed that. This is not just a residential community. We have a huge commercial part of Pelican Bay that is here whether we like it or not. There is a large commercial investment by a lot of people in this area, which has not been addressed. Should it be?

Mr. Dorrill replied that is one of those policy determinations that you will need to make as a Board. I will tell you that under the approach that we are using at the moment, unless we are instructed otherwise, our intent is to bring back a proposal that says we don't care if you are retired or actively involved in business or you own commercial or residential property within this community. You just need to be a qualified elector that resides in this community. That is not to say that a majority of people that live in the community are predominately retired. There are other people that still get up and go to work or may own a business or may be part of a commercial enterprise, but they also live here every day as well. If they were going to be an elected Supervisor, they would need to be from within the District. If they happen to own commercial property or they happen to still be engaged in a commercial professional activity the Ordinance is not going to speak to that.

Mr. Brown asked if what you are saying is that the Ritz Carlton, Registry Resort, Marketplace and Waterside are not considered on this Board?

Mr. Dorrill replied not under the current assumptions that we are using.

Mr. Brown replied that is a major change from what we have now.

Mr. Dorrill replied it would be and that is a major policy consideration that this Board needs to make as well as WCI. Would you want to have elected Supervisors going forward, but still give WCI the right to appoint their own? Part of our charge was to take into account what is going to happen when WCI leaves. From a policy perspective I would tell you my opinion would be that there would be no need for WCI to continue to have their own appointee on this Board.

Dr. Varley stated they could run for a position if they wanted to.

Mr. Dorrill replied yes, if they lived within the District or unless you elected to continue to give either this Board or the County Commission authority to make some appointments of Supervisors. That again is a policy consideration and you would be within your right to do that.

Mr. Vlasho asked if that could be done?

Mr. Dorrill replied that yes it could.

Mr. Harrell stated that I am one of the few people in this room that represents a commercial interest. It is important to us because right now the County when they make up this Board there is a developer and two commercial representatives. Assuming we went down to nine members, there would be two commercial and no longer a developer representative. The new

make up of an elected Board would not include anybody that does not live here and could not be voted in by anybody that is not a registered voter and does not live here. That would eliminate a great deal of commercial representation. Is it possible for the commercial representation to not be a part of this District?

Mr. Dorrill replied that typically would involve issues related to debt and I do not know what type of outstanding debt this District might have. My impression is that they don't have any. If I were a resident here, the chances of you convincing the County Commission that you should carve out a substantial amount of the tax base to the detriment of the remaining homeowners would be a hard policy argument to win.

Mr. Harrell stated that I don't see too many alternatives. I represent Waterside Shops. We have other commercial interests representing ourselves and the way it is now is a fair and equitable way. I don't know of too many things we have ever asked the County Commissioners to do that they have said no to. We did ask them to save the mangroves. There is not too much they have ever said no to, but to completely eliminate the four corners, I am all for taking the south commercial core back to the County.

Mr. Dorrill stated that you are certainly within your right to make that type of request or you are within your rights going forward to make a special exception for non-resident commercial property representation on this Board. Again that would be a function of the Ordinance going forward.

Mr. Harrell stated that I would certainly feel better, but not having any representation and being ignored completely does not make me want to be a part of the community. If the community wants to be that way they are telling us they don't want us to be here. They don't want us to be represented on the Board, they do not want to elect us would be one of our viewpoints. I think we offer an awful lot to this community.

Mr. Dorrill replied I would not disagree with you, but if I looked across the street to the Rhodes Furniture Store, the fact that they are within the city limits of Naples and are paying substantial property taxes to the City of Naples, does not otherwise guarantee some commercial representation on the elected City Council.

Mr. Harrell stated they might never have had it. We have had it now they would be taking it away.

Dr. Varley asked if it could be written that you are a resident or own property? I think that is the way the Ordinance is written now.

Mr. Dorrill replied that you couldn't if you are going to elected Supervisors. That concept is called "Free Holder Status" and that has not been found to be constitutional. You cannot be given a voting interest by virtue of owning property. You need to be a qualified elector if you want to be an elected Supervisor. If you still want to carve out and have appointed Supervisors, then the question becomes, appointed by whom? Are they going to be appointed by this body after you are elected or appointed by the County Commission? That is policy consideration that you will have to recommend to the County Commission.

Mr. Vlasho stated that I am glad to hear this. All of the associations in Pelican Bay are trying to incorporate the commercial aspect more with the Registry, the Ritz and Waterside Shops. There are people that do live here that own property, but Mr. O'Connor that is something your subcommittee could think about. That is a good solution to a thorn that was there.

Mr. Dorrill explained that the extent that they can be catered to and made to feel a part of the community is important because of the revenues they provide to the community.

Mr. Harrell stated that I think Mr. McCabe is the only commercial owner that resides in Pelican Bay.

Mr. O'Connor stated that he does not think there would be too much of a problem trying to work out a solution that would be acceptable to you and the other commercial interests, whether it is through the County Commission or this Board. You might feel comfortable going through an elected Board because they are people who live here and interact with you.

Mr. Harrell stated that I have that now so I don't have that problem.

Mr. Vlasho stated that the more things we go back to the County Commission on, the less independence we have.

Mr. Carroll asked if there is any change in how these new Supervisors have to conduct business? Right now we cannot talk to

each other outside of the meeting room.

Mr. Dorrill replied that there are no changes in the Sunshine Laws as they pertain to your interactions outside of official meetings or your correspondence and records or the disclosure requirements that you would otherwise have to file. There are no changes concerning your interaction or the types of meeting and notice requirements that are required.

Mr. Werner stated that if this Board wanted to go ahead with this I think we ought to consider paying for it. It would be more available to us for amending or changing it to fit our feel for what it should be.

Mr. Carroll asked paying for what?

Mr. Werner replied the next phase of this work for a Draft Ordinance.

Mrs. Kay Potter – Grosvenor – A number of years ago, probably twelve, we had a Dependent District, it was called the Pelican Bay Improvement District and my late husband was a duly elected member of that Board. One day the County just came in and said we are taking you over, along with \$6,000,000 you accumulated. We would be in the same position. We would accumulate money. Mr. Ward was also in the same capacity. Could the County do it again?

Mr. Dorrill replied that theoretically the answer is yes. I have also submitted that the County Commission would fight you again if you tried to take the regional utility assets that had previously been contested and litigated all the way to the Supreme Court. The County Commission owns those assets and you would be hard pressed to get them back.

Mr. Vlasho explained that Mrs. Potter's question was if we become a hybrid could they take us over again?

Mr. Dorrill stated that you are still a Dependent District and to that extent if you want absolute and complete independence then you need to petition the Legislature to become a totally Independent Special District as is the case with Mosquito Control and the North Naples Fire and Rescue District. That is an option that is available to you.

Mr. Vlasho stated that your review resulted in that there are advantages that we ought to stay dependent, but as independent as we could get.

Mr. Dorrill stated that someone said earlier that aside from the contesting of the ownership of the utilities and the County's position was upheld throughout that process. Aside from that one issue and the current issue over the responsibility or lack of responsibility involving your Conservation Area, I think historically the County Commission has pretty much done and acted in a ministerial type of roll for whatever it was you wanted to do and for which you were willing to pay.

Mr. Werner stated that I assume if the County wanted to, they could take over our treasury now.

Mr. Dorrill stated that it could on any given Tuesday, as long as it was part of an Advertised Public Hearing they could dissolve the District.

Mr. Bill Schmigle – St. Pierre – Mr. Dorrill at your last presentation I was under the impression that the size of the Board was determined to be five. Is that not correct?

Mr. Dorrill replied that I have not predetermined the size of the Board. I was asked a question concerning other Independent Districts.

Mr. Schmigle – It could be whatever size we wanted, so to speak?

Mr. Dorrill replied that is correct. There is nothing in Florida Law that requires you to have a certain number. That would then be one of those policy issues that would need to be flushed out in the Amended Ordinance.

Mr. Vlasho explained that this Committee is gearing towards nine. It does not mean that it cannot be changed, but that is where we are headed.

Mr. Bill Schmigle stated that we have all nine people appointed now. If we had a Board of seven or nine I would hope that the game plan could be made that if there were a Board of nine, seven could be elected and those seven elected would have the

ability to appoint two from the commercial district. I think it would just be a terrible mistake for us to drive a wedge between the residential and commercial aspects and I would hope that the Property Owner's would draft something that would take that into consideration.

Mr. Dorrill stated that I do not disagree. I think I said you ought to find some way to embrace the asset and revenue that accrue to the community through the commercial areas.

Mr. John Iazzo – St. Marissa - I like the idea of taking care of local issues and taking care of local problems. Having Collier County to do everything for us is ridiculous. If we have a problem where something has to be amended or adjusted, we take care of it. I like the idea very much.

Mr. Iazzo asked how close this is to cityhood?

Mr. Dorrill stated that from my perspective, it is not at all.

Mr. Don Spanier – Breakwater – I think all of the relative questions have been asked and answered very well. I want to clarify one thing. I think that while you are encompassing the Independent District you point out that the principal problem was that the economies of scale that are now provided by the County's overhead organization would be lost. Is there some reason why if this group were to opt for an Independent District they could not continue those services at the same cost through a contract?

Mr. Dorrill stated that you could, but I do not know at that point that there would be much incentive for the County to continue to provide those types of services.

Mr. Vlasho asked Mr. O'Connor what his thoughts would be on the idea of funding that Mr. Werner had brought up? If this Board were inclined to do the funding, what would your thinking be?

Mr. Vlasho asked Mr. Ward could we do it?

Mr. Ward replied that the answer is yes. It would have to be approved by the Board of County Commissioners to retain whoever the law firm is and ask them to prepare that Ordinance.

Mr. Vlasho stated that does not sound like a good idea to me to go that route.

Mr. Vlasho asked if we decide to do that would that give your Property Owner's a problem?

Mr. O'Connor replied that if you were able to do it without too much interference from the County Commission as to who the law firm was, etc. I think we would have no problem with it. However, I think the amount of independence that we have had in operating so far is something to be valued. That is not to say that if the Board at some future date wanted to reimburse us for this part of it, we wouldn't accept it. However, being that may be a far distant dream of ours, I assure you that the Property Owner's have committed to carry this out and we welcome whatever input that you would give to us. I think this is a very fruitful discussion we have had here today. Most of the objections that have been brought forth were very valid ones. Particularly the one about the commercial interest and I want to assure Mr. Harrell that we have no intention of eliminating a big portion of our community. From the time I became President of the Pelican Bay Property Owners Association one of my goals has been to bring everybody in and to get everybody on the same wavelength as to what our future would be. With that in mind we certainly would be open to the suggestions that were made here today that the commercial interests would retain some say in the governance of the community. I don't see any reason why we would not continue to support the issue by engaging the van Assenderp Law Firm. If you decide you could do it because you want more input, we would gladly turn the process over to you. However, let me assure you that we will take all of the input that you have provided and incorporate it into whatever we do.

Mr. Vlasho asked Mr. O'Connor to reiterate the names of the members of that subcommittee.

Mr. O'Connor replied that at this time the subcommittee consists of Mr. Lou Vlasho, Mr. Dick Censits, the Chairman of the Foundation and myself. Dr. Varley was a former member, but because of the Sunshine Law we could not have two people from your Board discussing things that may come before you, so unfortunately we lost a valuable member, but we continue to function. If we find that we have to expand it somewhat we would take suggestions to that as well. I think we have been functioning very well with a limited number and able to accomplish a lot. We found that with twenty people on the original Governance Committee we could not move because there were too many issues raised. We wanted to narrow the focus down

to governance. I want to assure you that we want to get away from incorporation and annexation and at the same time answer some of what we feel are the problems with appointed Boards. Not only your Board, but ours' and the Foundation's as well. We hope that this is a solution that will not engender a lot of emotions and thoughts by people that we are trying to put something over on the community. We think this is a viable easy way to accomplish a number of goals that we have set for ourselves.

Mr. Vlasho asked for the direction of the Committee on where we go from here.

Mr. Roellig asked if this subcommittee which has been meeting has Minutes? It sounds as if it is a private meeting, which has been going on for a year or two. Is this the first real report of this subcommittee?

Mr. O'Connor stated that since it is a Committee of the Pelican Bay Property Owners, I report back to my Board as to the progress of the Committee. As you well understand I have to do that in order to get funding for the various steps that we take. I go to my Board whenever we meet on a monthly basis and I report what the subcommittee has considered for that particular month and then we move forward from there. It is really a subcommittee of the Property Owners and why it has pretty much been in our backyard so far. Only when we had something that we felt should be presented to the entire community is when we brought it forward at the two meetings the Property Owners had arranged. One meeting was with Dr. Woodruff and then a subsequent meeting with Mr. Dorrill. You can be assured there was nothing secretive about it. It was just a Property Owner Association initiative.

Mr. Harrell asked if there is any member of the subcommittee, the Pelican Bay Property Owner's Board or organization that does not think this is a good idea?

Mr. O'Connor replied that at every meeting of our Board where I have asked for approval for financing to continue, I have had a unanimous vote. At the last meeting where Mr. Dorrill was the principal speaker, we had a meeting prior, I convened the Board and I had seven members present, which constituted a quorum and the vote was 7/0 to proceed. I think we have a pretty good idea of where we want to go and what we want to propose to the community. I have not had any opposition as yet.

Mr. Vlasho commented that the first time Mr. Dorrill came back to us with his Preliminary Report and talked about the MSTBU being involved, I was tempted to schedule a Special Board Meeting. I was concerned that word would get around even though there were only a few people and it might be misinterpreted. Unfortunately timing did not allow that so we scheduled it for our Regular Meeting in May, which was three weeks after Mr. Dorrill had indicated where we might be heading.

Mr. O'Connor stated that we tried to arrange our public meeting after the MSTBU so that we could get the information to you prior to bringing it to the public. We wanted to do that as a courtesy to you. That is why I presented it to you on May 3 and gave you copies of Mr. Dorrill's proposal prior to giving it to the general community.

Mr. Brown asked Mr. O'Connor if he understood that the prior Pelican Bay Property Owner's Board was not elected in a General Election but would be in the future?

Mr. O'Connor replied that what I said was that I have been wrestling with the idea of how to accomplish that. What we have done is that we have a Nominating Committee just as most Boards do and then at our Annual Meeting I asked for nominations from the floor hoping that if we got nominations from the floor we could elect them by a General Meeting of the public. One of our problems and is a problem for all boards is that we only get about 250 people at our Annual Meeting and we have somewhere in the neighborhood of 3,000 households which is about 6,000 people as members. We have been wrestling with how to do it and I assure you it is something we are going to try and solve in the future. I don't know whether we want to go to a mail ballot like the Conservancy does, but certainly we want to have an open election so that people feel that they have some input into the Property Owners. We do have a policy on the Property Owners' that nobody can serve more than two terms. After two terms you have to leave the Board. That way we get a turnover of new interest and new ideas and new blood on our Board.

Dr. Varley asked the time line for the first draft of this Proposed Ordinance change?

Mr. Dorrill replied that he spoke with Mr. van Assenderp today in Tallahassee. I told him I would need a schedule and did not contemplate this taking much more than thirty days from the time he is authorized to proceed. We have the base Ordinance. It is sort of picking and choosing the various powers and responsibilities that we want to suggest and some minor housekeeping as it pertains to continuing commercial representation. I cannot imagine it would take more than thirty days.

Mr. Werner stated that before we vote I think from what I hear it is pretty much a consensus that we do want to continue with commercial representation, so whatever direction we take I hope we include that.

Mr. Brown stated that I don't think we need to vote.

Dr. Varley stated I agree what are we voting for?

Mr. Bawduniak stated to show the public that we support this concept up front.

Mr. Vlasho stated that would be the only purpose because the Property Owner's are going to go forward and we can sit here and not do anything.

Mr. Bawduniak moved seconded by Mr. Hasson to support moving forward with a draft for review of an Ordinance Amendment creating a Board of elected Supervisors for Pelican Bay for a Dependent District and eliminating the MSTBU Advisory Committee. The motion passed on a vote of 6/3. Those casting nay votes were Messrs. Brown, Harrell and Roellig.

ADMINISTRATORS REPORT

Mr. Ward stated that to make the meeting a little shorter, unless somebody has any questions on items other than the Registry Resort, I would be glad to answer them for you. The report is relatively simple to read and if you have any questions I will answer them.

Mr. Werner asked if you were going to hold off on the streetlights until next month?

Mr. Ward replied yes, we are working on an evaluation of that process.

Mr. Harrell asked if the cattail issue is resolved?

Mr. Ward replied that it has been resolved and is on the June 13th Agenda.

Mr. Harrell asked when that work would begin.

Mr. Ward replied probably the beginning of July.

Mr. Werner asked if we are going to discuss the US 41 berm improvements?

Mr. Ward replied that it would be part of the Budget Review.

CONSENT TO USE WATER MANAGEMENT EASEMENT BY REGISTRY RESORT

Mr. Ward explained that the Registry Resort has submitted a request to Pelican Bay Services to encroach into our existing Water Management Easement for a modification to their pool and pool decking. The encroachments, in staff's opinion, are relatively minor and primarily deal with the pilings for the decking. There are two small wall encroachments for a spa and gazebo that they are constructing as a part of the addition to the pool and pool decking facilities. I did provide to the Committee a copy of the proposed Consent to Use Agreement which staff is working on with the Petitioner and County Attorney's Office with respect to concluding that matter and have included a map of the easement areas that will be encroached upon.

Mr. Richard Yovanovich, attorney representing the Registry Resort, stated that he wanted to point out that the actual encroachment is approximately 500 sq. ft. Mr. Yovanovich pointed out the encroachment areas on a map for the Committee to see. There will be absolutely no loss of any functional use of the water management area. There will be no volumetric loss. We would dig out any area that has a physical encroachment to replace any volume you would lose by changing the configuration. The Registry is upgrading its facilities to modernize it and enhance the overall resort. You can agree that the pool area will be quite attractive. There will be landscaping around the pool area and you will not be able to see any of the support walls. It is a minimal encroachment with no functional loss and any costs that will be incurred by Pelican Bay Services we have agreed to reimburse them to the tune of \$40,000, which will cover all your costs. The Consent to Use Agreement is a standard County

document in which we have agreed to indemnify and hold harmless the County for any damage that may occur to this encroachment although from a practical standpoint we cannot foresee any damage that would occur.

Mr. Vlasho stated that when Mr. Ward mentioned this to me a couple of weeks ago, it is actually decking over the easement and the only encroachments are the pilings that support it. Is that correct?

Mr. Yovanovich replied that is not totally correct. There is approximately 125-sq. ft., which is a physical encroachment.

Mr. Vlasho asked that between you and Mr. Ward how did you come up with the \$40,000.

Mr. Yovanovich replied that is the number that Mr. Ward provided me as to the cost to the District for changing the configuration.

Mr. Ward replied "artful negotiation".

Mr. Werner stated that the \$40,000 troubles me. I don't have a problem with your easements or encroachments, but unless those are the actual costs we are going to incur because of the changes, I don't want it to look like they can come in and buy an encroachment.

Mr. Vlasho stated that was my sentiment also.

Mr. Yovanovich stated that I could tell you that I did not offer anything.

Mr. Carroll asked Mr. Ward to comment on the actual costs.

Mr. Ward replied that it is important to recognize that we have never allowed an encroachment into any existing Pelican Bay easement in the community in the twenty years I have been here, other than walkways that connect the condominiums to the berm. They were for access only. The first response to the Registry was that staff would not be in a position to recommend these kinds of encroachments onto the easements themselves because I thought they were significant. The number that we arrived at was based upon projects and I do not remember the detail of the numbers. We had projects that we were working on that included modifications to our existing water management systems along the berm such as fixing the water control structures that are out there and doing some exotic removal that we would have to deal with over the next year or two. The Registry indicated that would mitigate the encroachments into the system and dealt with the fact that there was some mitigation expense associated with the kinds of encroachments that you have. In this industry that we are in today, when people want to encroach into water management systems there is an offsetting mitigation cost associated with those kinds of encroachments and that is how the number was essentially arrived at.

Mr. Vlasho stated that this does smack like you are giving us \$40,000 to approve this encroachment and that is not our intent.

Mr. Yovanovich replied it was never presented that way. Actually the project was scaled back to reduce any impacts to where they were minimal and we were requested to assist with mitigation.

Mr. Vlasho stated that if this were to be restated that would help with mitigation costs with whatever projects we come up with, not to exceed \$40,000 that is a little different. Is that all right Mr. Ward? Can we do something like that?

Mr. Ward replied in the affirmative.

Mr. Harrell stated this is a great idea. We need to continue to make sure that the Registry Resort as well as the Ritz Carlton Hotel plays an important part in our community and can offer their guests, which are my customers, and buyers to continue to have a world class place. Mr. Albeit and his group are doing a great job and just add to this and I am certainly for it.

Mr. Roellig stated that the letter does say that it is for increased maintenance and administrative costs. I think it is covered in the letter.

Mr. Vlasho stated that it is not a criticism of Mr. Ward, but sensitivity over what has happened over the last six months at the Foundation. If that had not happened this would not even have been mentioned.

Mr. Werner stated that it is important to remember that the Registry Resort has been a pretty good neighbor and helped us get rid of some sand. They pay a sizable percentage of our budget also.

Mr. Vlasho stated that we do not do that often enough even with the Foundation. You are a big partner and it is time we started treating you like a partner.

Mr. Carroll moved, seconded by Mr. Bawduniak and approved unanimously to approve the Consent to Use Agreement for easement encroachment by the Registry Resort.

BUDGET PLAN REVIEW

Mr. Ward stated that the Fiscal Year 2001 Budget becomes effective on October 1, 2000 and ends on September 30, 2001. The process that the Advisory Committee uses to consider the adoption of your budget for the purposes of levying your Non-ad valorem assessments and also for the levy of your ad valorem taxes is a two or three step process. First is that staff prepares and presents to you a budget plan which encompasses any capital elements that need to be considered to be funded in the next Fiscal Year or in future Fiscal Years looking out for approximately five years. It also addresses any operational considerations in the ensuing Fiscal Year that are essentially outside of the ordinary due course of business. In addition to that for purposes of your Operational Budget we go through each year and identify those services for you and indicate to you whether they are essentially mandatory, essential or discretionary operational services. At least with respect to the discretionary service you have the ability to either continue on with the inclusion of those services in your budget for Fiscal Year 2001 or to recommend that they be excluded from your budget.

Mr. Ward explained in detail the Budget Plan, which had been prepared and distributed to the Committee.

Dr. Varley stated that one column says "Prior Estimate". Are you saying it is a prior commitment and that money was budgeted in past budgets?

Mr. Ward replied yes.

Dr. Varley stated that it is not an estimate then?

Mr. Ward replied they are estimated budget amounts because they are actually a future Capital Project element.

Dr. Varley asked if that is money that we did have at one time and what we haven't spent we still have is that correct?

Mr. Ward replied no. It is monies that we identified in our future Capital Programs from the prior years which may not have been funded at that particular time or they are current estimates of funding for those elements. I will go through with you those that have changed from years past.

Mr. Carroll asked if this says that we thought street lighting was going to cost \$250,000 and now it is going to cost \$680,000?

Mr. Ward replied no. All we are saying is that \$250,000 is what we actually had in cash in the bank in the prior years and we never put an estimate to the street lighting system. It is just the moneys that were available to you.

Mr. Bawduniak asked if we have a shortfall of \$40,000 in Fiscal Year 2000 and total shortfall of \$430,000 in 2001, which will come out of an assessment.

Mr. Ward replied in the affirmative.

Mr. Vlasho stated that looking back at your April Capital Projects, the \$290,000 and the \$390,000 are included. As I recall this Committee approved those.

Mr. Ward replied that what we indicated to you was that we have sufficient funds to fund the \$290,000. We awarded a contract that allows you to continue on with that in the future years, based upon those contract prices if you choose to move forward to do that through your budget process. If you chose not to, then we would just not order those street lighting poles in Fiscal Year 2001.

Mr. Vlasho stated that implies that we could change part of the streetlights and not the rest of them. I don't think that was our intention when we started this project.

Mr. Ward replied that is fine.

Mr. Vlasho stated that my point is that we really, knowingly or unknowingly, agreed to that line the way you presented it.

Mr. Ward replied yes, that is pretty much what we have been talking about for a number of months.

Mr. Brown asked if the US 41 berm is going to be re-landscaped?

Mr. Ward replied yes, we always talked about re-landscaping that area.

Mr. Brown stated that in everything that Mr. Botner has said the landscaping of the medians would match the existing sides of US 41 and he reinforced that in his presentations. He is designing a median strip to match what we presently have and are we going to tear it out and rebuild the berm? I think it looks pretty good the way it is.

Mr. Ward replied at the end of the day if you want to leave the berm the way it is you are welcome to do that. The concept has just generally been to take the existing landscaping that is there, probably add to the existing landscape palette a little bit and have it a little denser. There would be some sod added in some of the front areas to give it a more consistent look and something that would flow a little better in the whole of this community.

Mr. Carroll stated that the County has used that area for storage for a whole lot of pipes and equipment. Are they going to put something back in its place?

Mr. Ward replied that is the State and they are using the US 41 right-of-way. The bio-barrier that exists out there right now is essentially the right-of-way line for US 41. In the context of the berm landscaping I am talking from the right-of-way line to the top of the berm itself.

Mr. Vlasho asked if we could wait this long on the irrigation system to change that system?

Mr. Ward replied that if I had my druthers I would prefer not to. When you look at the numbers it really depends on how you want to assess the community for those services. It was done this way to level the assessments out over a period of time.

Dr. Varley stated that he is still terribly confused about Prior Estimates. It is my understanding that what we were doing with the Capital Budget was very much like the condominium has a reserve budget. We were going to accrue monies for various projects over time. This column does not represent what has been accrued.

Mr. Ward replied no. Although it is not on that particular sheet, you can look in your Income Statement for your Capital Projects Fund for the period ending March 30 and it will give you what we essentially have reserved to date. The Prior Estimates column is in most respects the numbers that we have been using, with the exception that we have never funded the US 41 median Phase I and Phase II in any of the Capital Budgets up until our decision last year to utilize that process. The street lighting system was not a funded project. It was a project to be looked at in Fiscal Year 2000, which we did and correctly funded it in that current Fiscal Year. The change that I indicated to you between the landscaping and irrigation from your original concept three or four years ago through the Clam Bay Restoration through those reports to where we are today.

Dr. Varley stated that I would be very interested if you could put together a compilation of what we have assessed people for Capital Improvements and how much in each of these categories was carried over. I would also like to see how much we have in Reserves now or what we will have at the end of this year. I can also understand a column that says at one time we estimated the irrigation system to cost \$312,000 and that makes good sense, but I would also like to know how much we have accrued in that budget to date.

Mr. Vlasho asked if Mr. Ward could do that?

Mr. Ward replied in the affirmative.

Mr. Werner asked the Reserved for Capital Outlay in the amount of \$356,000 under Irrigation and Land Analysis \$1,052,000

is? Are those Reserves or what are they?

Mr. Ward replied those are your Reserves.

Mr. Vlasho stated that we are actually budgeting to have \$1,500,000 at the end of this year.

Mr. Ward replied that is actually your current position. That number will go up slightly over the balance of this Fiscal Year.

Mr. Vlasho stated that I am looking at the Budget Column. Is Fund Balance \$1,538,000 what we anticipate having in Reserves at the end of this year.

Mr. Ward agreed.

Mr. Carroll asked what the number 7734 Projected Cost per Unit represented?

Mr. Ward replied that is the number of Equivalent Residential Units that are available for assessment within the community. That is the current number that you are using. That number changes slightly each year. It generally goes down slightly because of the conversion of undeveloped land to developed units. We use the PUD density as you recall on undeveloped land. When they develop the property it is usually something less than the undeveloped PUD density and as a result of that, that number may go down.

Mr. Vlasho stated that if he understand this, at the end of Fiscal Year 2001 we would have used all of our Reserves.

Mr. Ward replied correct.

Mr. Vlasho stated we would then be funding as we go. In fact we will start that in Fiscal Year 2001. We use all our Reserves, put in another \$499,000 and at the end of the year be at some nominal amount, not the \$1,500,000 that we are going to be showing at the end of this year.

Mr. Ward replied right. The only Capital elements you will have left to handle is your irrigation and landscaping systems and the balance of the Capital element will be completed by that point.

Mr. Werner stated that we are not using all of our Reserves we still have the uninsured Assets reserved, right?

Mr. Ward replied absolutely, that is not being touched at all.

Dr. Varley asked what is the program we plan to tackle for Fiscal Year 2001? Is that what you have included in the Proposed Capital Project Funding Schedule?

Mr. Ward replied correct.

Dr. Varley asked if we are going to try to fund \$1,346,000 worth of work for next year?

Mr. Ward replied correct.

Mr. Vlasho stated you are not going to fund, you are going to expend.

Mr. Brown stated that he recommends that the US 41 berm be moved to Fiscal Year 2002, so it is designed and funded after the US 41 median is completed. I would take the \$375,000 and move it out to year 2002 if we do it and wait until US 41 medians are done so that any design work done on the berm matches the medians. It also moves \$375,000 out of Fiscal Year 2001 where we double our expenses.

Mr. Werner stated that I agree. We aren't really putting a load on the tax payer if you look at the Fiscal Year 2000 and Projected ERU Cost Per Unit is going to be \$72.00, even spending the money on the berm.

Mr. Brown replied logically you are going to design the berm to match the median and the median is not in yet.

Mr. Werner stated I agree wholeheartedly with you on that aspect.

Mr. Vlasho asked what is going on with the design work on that berm?

Mr. Ward explained that a plan was provided to you for the design on the berm itself. The Architect that did that for us is J Roland Lieber; a local architect who has seen the US 41 median plan and assured consistency in the landscape design of the berm itself along with the median program. The berm program is intended to coordinate well with that design concept for the median and also the consistency of the program within the Pelican Bay community.

Mr. Vlasho stated that Mr. Brown is on the right track. Does it make sense even if you can design it to fit, to be doing it simultaneously with the installation of the median?

Mr. Carroll stated that I recall the construction people say they were going to finish up to Vanderbilt Beach Road by February 2001. If so, most of the year it should be finished.

Mr. Vlasho stated that the median work is on a different schedule because of the Grant.

Mr. Ward replied the median work for Phase I should be finished by December, 2000 or January 2001. Then Phase II which is Gulf Park Drive to Vanderbilt Beach Road is scheduled for the latter part of that year. To me the road is going to be finished. As long as the road is finished that is what I was looking at in terms of doing the landscaping program. I was not necessarily looking at the median when I had put this plan together. I don't have a problem waiting, which certainly is your decision.

Mr. Bawduniak stated that concerning any work on the berm I certainly think there is a slight possibility that at some point because of noise problems behind Oakmont and elsewhere, it may be feasible to looking into putting a fence on top of the berm. We had discussed that previously as not being feasible, yet several miles up the road on the West Side of US 41, there is a rolling berm similar to what we have, with a very attractive fence on top of it. It flows along with the profile. It would be unfortunate if the berm work would proceed and later somebody says the only solution we are going to have it to have a six foot fence go on top of the berm and you would have to take something out. We should keep in the back of our minds that there is a slight possibility that there is going to be some relief there by putting a fence on top of that berm.

Mr. Harrell stated that he thought we were told it would not hold a fence.

Mr. Ward replied that the berm was constructed of muck and other materials and I am not sure you can put a fence on top of it, but it is something we need to look it. I agree with Mr. Bawduniak that certainly has been in the back of my mind that before you ever proceeded with actually doing the berm improvements you need to come to a conclusion with the fence issue.

Mr. Harrell stated that I don't know about anybody else, but I think about that every time I drive down that road. In some places that berm is very low and in others it is very high.

Mr. Hasson stated that eventually we are going to have to put a fence up there.

Mr. Vlasho stated that Mr. Ward has been charged to work with owners to come up with some solution to the noise problem.

Mr. Ward explained that the noise issue is one that we all have to keep in mind that whatever we do here, however we decide to spend that money, that just needs to be taken into consideration before it is spent. I certainly hope that we would have come to some conclusion on that noise issue long before we ever got to the point of spending money. Remember you are looking fifteen or sixteen months ahead. You are looking at the time period of October 1,2000 through September 30, 2001. As we look ahead we need to think if we want to fund these kinds of improvements or not. We can always put them in abeyance and say we are going to fund it and put a side note to say once we conclude the noise issue we are going to get onto the US 41 berm improvements.

Mr. Vlasho asked if we move the \$375,000 a year out, I would suspect we are still going to be around the \$72.00 so we will be building a reserve for some unknown.

Mr. Ward replied that at end of the day the total obligation is what it is. It really depends on how you want to fund it over some period of time and I have suggested to you in the past, try not to spike up and down your assessments to any great extent. I think that is where government gets into trouble. Trying to maintain and keep that assessment consistent is an important element in having an assessment succeed.

Mr. Vlasho stated that the millage rate on Security is going down, what caused that, was it the increase in property value?

Mr. Ward replied in the affirmative.

Mr. Vlasho asked if the costs were staying the same?

Mr. Ward replied that they have gone up slightly, but are remaining relatively constant.

Dr. Varley stated that aside from the fact that we are obviously going to have to upgrade the irrigation system and asked if there is anybody here that feels we have an absolute commitment to the State to do this? I remember very distinctly when they sent the fellow down, he pointed out that we would like to have you look at water reduction in the future and this would be contingent upon what was feasible, both technically and economically. I think we should be doing this, but I don't think it is an absolute commitment.

Mr. Werner replied that I thought that was going to be developed in the studies done by Turrell and that we were supposed to be getting a report back on.

Mr. Ward stated Dr. Varley, I agree with you, it is not a commitment and I am not presenting this to you as a commitment. I am indicating to you as a part of the program that we are looking at and what those studies have currently shown. It is a good idea as you suggested doing that. This gets you some benefits from looking at that in the context of your Freshwater/Stormwater Studies, but it is not intended to be a commitment on your part.

Dr. Varley replied good.

Mr. Werner asked if we were supposed to be getting some studies from Turrell of what the State has finally approved?

Mr. Ward replied that within the next thirty to sixty days you would be getting some commitments. My understanding is that the State has verbally indicated that the studies are acceptable to them, but it is going through their normal bureaucratic process.

Mr. Ward reported that Mr. Finn has advised him that the County Manager has not made a determination as to whether or not the funding of the Phase II improvements within the constraints of the overall County Budget will happen in Fiscal Year 2001. I will tell you that assuming the County chooses not to fund their \$250,000 commitment for Phase II in Fiscal Year 2001, we probably will not fund it at that point also. There is no point for us to fund it and the County not to fund it.

Mr. Vlasho asked how did this develop?

Mr. Ward replied I do not know. I heard about it out of the side of my ear.

Mr. Vlasho stated that Mr. Werner and Dr. Varley were at that meeting.

Mr. Finn stated that it is a matter of timing. We just are not necessarily sure that the State is going to be out of there in time to allow that construction to take place in Fiscal Year 2001. We are looking into that to determine what the timing is. Additionally, that particular segment was not on our long-range plan for beautification that is being proposed. All of those things need to come together. The County Manager is dealing with a number of constraints on the ad valorem taxes and this is just a typical project that is evaluated as we go through it. It is weighed against the other projects and a determination is made. The primary thing right at the moment is the timing of the completion of the US 41 construction.

Mr. Werner stated that one of the selling points of the project was they told us if you step up to the plate and contributed we will move it right up to the top of the list.

Mr. Finn replied that is true, that is the Board's policy.

Mr. Werner stated that as far as I understand this they agreed to do this and I do not know in what year, but they agreed to pay half if we paid the other half.

Mr. Carroll stated that I am having trouble with the construction schedule that you mentioned. If they are going to be finished

in February 2001, there is eleven months of it in which to do this work.

Mr. Finn replied that from a Fiscal Year budget perspective, February is essentially five or six months into our Fiscal year at that point. If that projects slips a couple of months, all of a sudden we are six to nine months into our Fiscal year and it really is not that large a window to get that money encumbered at that point. I would suggest that once we have the schedules, the practical approach would probably be to fund the design in FY 2001 and let the contract in early FY 2002.

Mr. Brown stated that we should move the berm back then.

Mr. Ward replied that my answer is that I agree with Mr. Werner and I have to figure out what the County Manager is going to recommend. I need to point out that one of the selling points was the fact that if we came to the plate with 50% of the funds the County would come to the plate with 50% the funds and get this project moving. I will keep you up to speed on that issue, but I wanted to point that out during this process.

Mr. Vlasho asked if Mr. Botner is successful and gets this Grant that will allow excess funds this year that could roll over into the following year.

Mr. Ward replied right.

Mr. Vlasho stated that my point is let's not let him spend the Grant.

Mr. Werner asked if it was ever decided who divvies up the Grant?

Mr. Ward replied that it is a 50/50 ratio.

Mr. Vlasho asked if anyone on the Committee had a problem with exotic removal?

Dr. Varley stated that what I understand you saying is that if the property owners now, whoever they may be, will get the exotics out the community would then maintain them. Is that what you are saying?

Mr. Ward replied in the affirmative.

Mr. Hasson asked if the cattail removal had started?

Mr. Ward replied no. There was a bid protest on that particular item. It is scheduled on a June Agenda, so I suspect we will start that program roughly July 1 instead of the middle of May that I originally had anticipated.

Mr. Lukasz stated that it is scheduled on the June 13th Agenda.

Dr. Varley asked if this was a County expense?

Mr. Ward replied in the affirmative. It is on the June 13th Agenda and we should start in three to four weeks and is funded by Natural Resources.

Mr. Carroll asked what is a bio-barrier?

Mr. Ward replied it is a fabric with a slow release herbicide applied to it that is placed adjacent to the sidewalk and tree system itself, such that the roots will not go under the sidewalk and raise it and break it up.

Mr. Vlasho asked if the \$30,000 was consistent with what we spent this year?

Mr. Ward replied that it is.

Mr. Carroll asked why street sweeping is discretionary?

Mr. Ward replied that it is discretionary in the context that there is no mandatory governmental reason that we continue on

with that program. I wanted to be able to say to you that as a community if you wanted to either increase, decrease or get rid of that service there was no overriding governmental reason to keep that service.

Mr. Werner stated that for the last five years I have voted for the Sheriff's Service. I want to tell you that I don't think we are getting diddly squat for what we are paying \$300,000 a year for. A couple of meetings ago the deputy was here. We have about a three square mile area here that they are supposed to be patrolling. The response time in Pelican Bay was 5.7 minutes. Where they don't have special deputies, the "A" zone was 7.3 minutes. From Vanderbilt Beach Road south the response time is 6.9 minutes. There you are traveling on lots of roads with lots of traffic and I assume during the day. It does not seem we are getting anything near worth \$300,000 a year if you judge it by the response time. I would really like to take a strong look at that. We might not want to continue that service.

Mr. Vlasho asked how Mr. Werner suggested we take a strong look at it?

Mr. Werner stated that I would suggest that we eliminate it.

Mr. Hasson stated that he thought we would get a negative reaction from the residents.

Mr. Harrell stated that I would certainly argue with you about that. I think this is an affluent community and can afford that. That is not something you can judge. It is a feel good thing, whether you feel good or not feel good, it does not make any difference. You are not getting much value out of it.

Mr. Werner stated then why don't we spend twice as much and get two of them?

Mr. Harrell stated it is an affluent community having an attribute to it that enlightens it.

Mr. Brown suggested that several years ago the question of signs on US 41 came up. I specifically asked fifty-one or fifty-two people if they wanted to replace those signs. Not a single person said yes, but we are going to replace them anyway. At least I talked to fifty people in the community and asked them what they thought. I suggest before we come to the next meeting that if the members of this Committee want to represent the community ask twenty or thirty people their feelings and keep a written comment to find out if the people really think they are getting their moneys worth with the Sheriff. You can get three people in here and scream and shout, but that is three people out of 7,000. That is not the entire community. I suggest each member of this Committee ask twenty or thirty people, explain what it is, what they do and do your neighbors really think it is worth it? When you come back to the meeting in two weeks you will have some feel for what a lot of your neighbors think.

Mr. Hasson stated that he feels it is up to us to sit down with the Sheriff to tell him how we feel. We are not getting value received and he is going to come back and say what do you want. It is up to us to sit down and tell him what we want for that \$300,000. I don't think you can eliminate it without creating a stir.

Mr. Brown stated I did not say keep it or eliminate it, I said just talk to your neighbors. The Sheriff has already told us what to expect and we are getting what he says we are going to get.

Mr. Hasson stated that we then have to demand more.

Mr. Roellig stated that he does not like anecdotes, but today we had a major power line fail at Chateaumere. It went up with smoke, sparks and flames. We called 911 and the Pelican Bay Sheriff was at the scene at least six minutes before the fire department. You have emergency response. Whether it is three or five minutes, anybody feels much better when you get official response. I don't know how the statistics play out, but in this incidence it was reassuring to get them there. The Deputy immediately got Florida Power & Light to respond. All I can say is that in this incidence they were there a long time before the fire department.

Mr. Bawduniak stated that he did just that and talked to his neighbors. I asked the question that we spent \$300,000 a year for one deputy full time and I got a lot of "wow, that is a lot of money". Then I said if you break that down to an ERU basis, it is less than \$.90 a week. After I said that I got a different answer. The preventive concept of just having somebody round and the people knowing, it is not a secret that we pay extra for security. I got a different answer. I guess if you are going to poll somebody, you have to phrase it carefully and say it is a big sum, but to you here is what it is. Personally I see the police car all the time. I guess I could have asked the question and skewed the statistics rather than putting it in balance.

Mr. Carroll stated that he wondered about the survey that the Foundation produced and whether it would give us some data. I

am told it will not available until July.

Mr. Vlasho stated that he agrees with Mr. Brown. That is part of our job to be constantly and objectively talking to the residents, trying to get a feel. I am a little concerned if it is done on an individual basis the results are mixed.

Mr. Harrell stated then why did we get the entrance signs, I don't think we have asked anyone? What is the result of doing that? It seems odd. I think we have to be careful asking questions in the right way.

Mr. Vlasho stated that he feels Mr. Hasson is on the right track. I think what we get out of the extra duty is reflective of what we ask them to do. I think we let them do their thing twenty-four hours a day. We don't pay attention. They come to this meeting and give us a ten-minute report about some statistics that frankly don't tell me very much. It really does not tell us what they are doing. I don't know what their directive is. We ought to have a paragraph in here I think, that says what we expect from them, before we approve the budget. I found that especially with this new Corporal, he is an excellent person. You can talk to him and make suggestions and he is receptive. It is all on a personal basis. He cannot get direction from eleven of us.

Mr. Werner stated that I have been talking to people for four or five years and probably half of the people I talk to don't want it and the other half think it is a great thing. Again, you are not getting any improved response time. I don't know if they have ever caught one criminal yet, except at Waterside. As far as a home burglary I don't recall them ever catching anybody.

Mr. Harrell stated that it just seems like not that long ago Mr. Dorrill filled up the Ritz Carlton Hotel with people screaming they wanted more security. It is an incredible political issue and the whole community needed to be a safer place and we went to Mr. Dorrill and told him we wanted to hire extra deputies and he said okay. We were one of the first in the country do to something like that. I don't know that we are ever going to get anything out of these guys except having a service that looks good. Thank God we don't need them.

Mr. Hasson said we don't have that much crime any way.

Mr. Bawduniak explained we could have an extra \$300,000 to spend on something like tennis.

Mr. Ward stated that he will finish the budget and it will be presented to you at your June 7, 2000 meeting. I will prepare the budget the way I have shown it to you.

Mr. Brown stated that there is one item I would suggest that we look at. Have you ever seen these trailers that say the speed limit is such and you are going such and such, with radar, etc.? I think they have a calming and positive influence. I don't think we need a trailer and a Sheriff. One of the reasons people feel strongly about the Sheriff is because people speed on Pelican Bay Boulevard. I believe they cost about \$15,000. Somebody might look at these to see what the result is and what the Sheriff thinks of them. Are these a calming effect on traffic or not? You cannot legislate good manners and some people are going to speed no matter what.

Mr. Vlasho stated that by coincidence at the last meeting I had asked the Corporal to look at what the cost of a Smart Trailer was and if there was any problem with Pelican Bay purchasing their own. Mr. Ward would you follow up with him?

Mr. Ward replied in the affirmative.

Mr. Vlasho stated that the direction to Mr. Ward is to prepare the budget in line with this document and then we will review that at our June 7, 2000 Meeting. Then will we require a special meeting?

Mr. Ward replied in the affirmative. To be consistent with what you have done in prior years is that I will spend time going through the budget with you on June 7 and then a Budget Workshop on June 14 at 1:00 PM.

CONSIDERATION OF CONTRACT MANAGER SERVICES WITH THE FIRM OF SEVERN TRENT ENVIRONMENTAL SERVICES, INC. FOR FISCAL YEAR 2001

Mr. Carroll stated that he has been working on a job description for the Manager's job. I do not have it complete, I have it drafted, but I have not reviewed it with Mr. Ward. I would like to suggest, if the Committee would agree, is that I work with Mr. Ward on a job description for his job and we take a look at it at the June 7, 2000 Meeting. Hopefully it can go out in the packet that you see ahead of time so that you would have a chance to look at it. I just think it is a good idea if we take a look

through a job description of what we think we want our Manager to be doing.

Mr. Roellig asked if we would be revising the Schedule "A" attached to the current Agreement?

Mr. Carroll replied in the affirmative. I feel it is so inadequate. I have in my mind sort of converted it to a job description. You might call that Schedule "A" a job description, but I think it is quite minimal.

Mr. Ward replied this pushes me up against the wall because of the County Commission schedule this year and their being off during July and August for vacation. My contract expires September 30, 2000, so as long as we can get to the point of making some decisions that would be appropriate.

Mr. Vlasho stated that I really think it can flow with the budget process any way.

Mr. Roellig asked if a different proposal was going to be requested from Mr. Ward?

Mr. Carroll replied that I have drafted one and am going to go over it.

Mr. Harrell asked if that could increase the cost of the Agreement?

Mr. Carroll replied that it could, depending upon what this group decides and if they thought there was something in there that we are not asking Mr. Ward to do.

Mr. Harrell stated that if we are changing his scope of work we should discuss it first before we start enacting a contract.

Mr. Carroll replied that is my intent.

COMMITTEE REQUESTS

MANGROVE AERIALS

Mr. Bawduniak stated that on Saturday about sixty aerial photographs were taken of the mangroves and Clam Pass. These were taken at legal minimums in cooperation with the Naples Traffic Control Tower. This was a starter. We took sixty photographs and blew three of them up. The procedure would be that this is a zero count and every so many months to be advised by those that know more than I, we could go up and repeat these at no expense to Pelican Bay or our residents. In the future I suspect about fifteen pictures would be adequate. We were very careful in the log as to when we took the pictures with respect to tides and the pass to see if it changes over time. The plan would be to take these pictures every two to three months. Mr. Brown would be available to pinch hit periodically since he aviates. I thought it was kind of revealing. When I first got the pictures and looked at them, I thought how much can you see. I then realized in scrutinizing them, there are some very revealing shadows and shades. One thing that jumps off the page is they seem to be growing where there is water. You come away from the ponds and you see a large die-off. I just offer these to people who may have suggestions on how better to monitor. It is some type of monitoring that gives a visual that is maybe more encompassing that what we are doing now and I am open to suggestions. It is an offering to Pelican Bay residents every couple months at no cost, to build a flow chart of these at same place, same tide time, so we can see over a period of six months or so if something is happening that is visible.

Mr. Harrell stated he thought that was great. Any inventory of this facility and community would be great.

Mr. Bawduniak stated I was very surprised at the detail you can get from a blow up. I think if something starts to move whether positive or negative, you might just be able to pick it up.

Dr. Varley stated that the Red Mangroves grow in the water.

Mr. Roellig stated that I know it is difficult to do this at times, but we are coming into the storm season. If we do get a fairly severe storm it would be good to take a photograph as soon as possible after the storm.

Mr. Bawduniak replied I would take them as soon after a storm as possible. If you want a photo during a vicious storm, Mr. Brown will do that.

LOW WATER PRESSURE

Mr. Bawduniak stated that he had a complaint about dead spots showing up on lawns. This citizen took the time to interview gardeners and sprinkler representatives and came back with the observation that it may be due to low water pressure from midnight to 7:00 AM. The problem probably lies in the eight-inch main originally installed being not sufficient to today's demand.

Mr. Finn replied that the County operates those lines and this is a very high period of demand. I suspect that if the pressure is low it is because everyone is using the water at the same time. This is something that typically occurs every year. I would suggest someone look at the individual sprinkler system and make sure there isn't something clogging the heads and I will look into it on my side to see if we are curtailing pressure which is entirely possible.

Mr. Bawduniak asked if there was a prescribed time to set your timer for watering?

Mr. Ward stated midnight to 7:00 AM.

Mr. Harrell stated that as a persona with an awful lot of irrigation. I don't think there are too many irrigation systems in the world designed for no rainfall, so it has to be augmented. When you see hot spots, it is generally because you have not had any rain and that lack of coverage could be a head, or something small. Systems were never designed to do 100% coverage, 100% of the time. We need rain.

GENERAL PROTECTIVE COVENANTS

Mr. Carroll read a letter that was sent to the Foundation from WCI Communities. This letter stated that it was their intent to assign the rights under the Declaration and General Protective Covenants for Pelican Bay that we excluded from the assignment to the Foundation on May 26, 1997 within approximately four to five years.

Mr. Carroll stated that the Foundation is considering a newspaper, in which they would report items of interest, including items from the MSTBU. They are proceeding with this and have a proposal from an outfit to do that.

VANDERBILT CONNECTION

Mr. Roellig stated that we have not heard much about the connection between Vanderbilt Bay and our water management system. There was something on the Consent Agenda for the County a couple of months ago, which was pulled.

Mr. Ward replied that is right. I think with Commissioner Carter's health it was agreed that the County considered to defer and also our request for them to defer it until we finish our interior tidal cuts and get a little further down that road. My understanding at the moment is that the Commissioner has been kind enough to defer that item pending the completion of our work.

Mr. Carroll stated that there was some permit that was going to expire which was causing people to want to do that sooner as I recall.

Mr. Ward replied it was the Vanderbilt Beach Road Expansion Permit.

Mr. Werner stated that he thought Mr. Turrell was working to get that extended.

Mr. Ward stated that Mr. Turrell had gotten that permit for the County and I believe he was going to extend the permit, but I do not know specifically.

Mr. Vlasho stated that he asked about that also today. I have not heard a word. I guess we are going to have to ask Commissioner Carter. He was aware of our concern about finishing the mangrove project, on the other hand he needs to do some kind of a review to see if it makes sense or not.

Mr. Ward replied that we would ask Mr. Turrell.

FINANCIAL STATEMENT REVIEW

Mr. Ward explained that with respect to your General Fund, the only variance that is of any significance at this point in time is under Field Services called Other Contractual Services, which is our day labor or pool. You will see that is considerably over budget at this point in time. We actually use that to supplement existing personnel costs in the system, which are under budget at this point in time. As we move forward through the balance of the Fiscal Year, you will see us continue to use the day labor services. We will move money between our Personal Services Appropriation and Other Contractual Services to deal with that. From my perspective from within the constraints of your General Fund, we are certainly well within the constraints of where I expected us to be for March 31. I anticipate that we will bring this budget in and when you see the projections we will have some surpluses for your General Funds on September 30, 2000.

Mr. Vlasho asked how we pay the Sheriff, quarterly, monthly?

Mr. Ward replied monthly.

Mr. Vlasho stated he sure does not come after his funding does he?

Mr. Ward replied no.

Mr. Werner asked if there is something in here where we reimburse the County for their services?

Mr. Ward replied yes. It is called Indirect Cost Reimbursements in the Administration side. It is budgeted at \$77,000 in Fiscal Year 2000 and is one of the Line Items that have gone up dramatically in your Fiscal Year 2001 budget.

Mr. Werner asked if that is in addition to what we pay the Property Appraiser and Tax Collector.

Mr. Ward replied in the affirmative.

AUDIENCE PARTICIPATION

US 41 NOISE ABATEMENT

Mr. Addison Skaggs – Oakmont – I just want the Committee to be aware of how serious this noise is on US 41. At one of your meetings I mentioned a gentleman from Concrete Impressions in Orlando. He came down with a meter and in the afternoon his reading from my backyard, over the six-foot concrete fence on the berm, read over 65 decibels. The neighbor next door, who does not have the fence, was in the 70-75 decibel reading range. This was in the afternoon when there is little traffic. In the mornings and evenings it doubles. It is well over 100 decibels. Mr. Skaggs asked Mr. Ward if he had written to FDOT requesting a new sound survey?

Mr. Ward replied in the affirmative.

Mr. Skaggs continued that my personal opinion is that FDOT has no interest in making another study. The gentleman that was here before said that they made a study and it fell within the limits.

Mr. Werner stated that the fellow from FDOT told you he was not going to make another study or do another test as long as this road is under construction. He expressed that very clearly. He may not do it after the construction is finished, but he did say he was not going to do it while it was under construction.

Mr. Vlasho stated that I was also talking to Mr. Ward about that recently. In fact, Mr. Bawduniak indicated that someone with the City had used a sound meter and we need to be a little careful in getting the Department of Transportation to the point that they say it is a problem. The FDOT may decide to put their type of barricade out by the road. That may solve your problem, but will create 7,000 other problems. Mr. Ward what is going on to come up with a solution we can deal with?

Mr. Ward replied two things. First, we have identified the sound barriers that are used by FDOT across the State and the ones I am familiar with you see along the I-95 corridor on the East Coast. We contacted the manufacturer and got the information with respect to those sound barriers. What we are going to do is look at how much they cost, where we need to put them, how you install them, etc. all along US 41 to make some reasonable determinations and recommendations to you. Part two is to figure out how we are going to fund it, or if we are going to fund it or ask the unit owners along the affected area to fund that barrier. The FDOT issue with respect to the sound has Mr. Vlasho and me very concerned. We asked for some preliminary information from FDOT in terms of the sound and what they normally do, from the people who actually do that within the

constraints of FDOT and are awaiting a response from them. It is a long and difficult process. You are working with a State agency that is extraordinarily bureaucratic and difficult to deal with. I think we are just going to work through the process over the coming three to six months, whatever it takes to come to some not reasonable conclusion, but to at least understand the parameters of the problem.

Mr. Vlasho asked who on your staff is following that, are you doing it yourself?

Mr. Ward replied both Mr. Lukasz and I are working on it jointly. It is a complicated matter.

Mr. Skaggs stated that he wanted to emphasize how important it is. My neighbor across the street sold his house over a year ago for exactly what he paid for the house nine years earlier. Twenty-three people that came to look at his house said that they did not want to buy this house because of the noise on US 41. All of us that live along the berm are concerned with this noise because our property values do not have the same increase as other properties in Pelican Bay. It is important to all of us. Mrs. Morgan had carried a bulletin to all the residents in this area. I think she said 150 residents, and she had more phone calls in response to that. There are a lot of people that are concerned. I seem to be one of the only ones that come here regularly emphasizing the importance of abating the noise coming in from US 41 to our residences. I have the six foot fence on top of the berm and I think the meter reading that was made was only a couple of decibels less than my neighbor who does not have a fence.

Mr. Vlasho stated that even though you may not think so, we welcome you here because it gives us a chance to get an update of what is happening. It sounds like we are moving along. I do not know if we can do it more rapidly.

Mr. Roellig stated that at today's Commission Meeting they were considering a Noise Ordinance. I do not know the details.

Mr. Skaggs replied I have a copy of the Noise Ordinance and it says the Sheriff is responsible for enforcement.

Mr. Roellig replied no, something was going to go before the Commission today.

Mr. Ward replied it was pulled from today's Agenda.

Mr. Skaggs stated that the residents of Briarwood on Radio Road complained about the Livingston Road Extension and the County will start constructing a ten-foot wall where Briarwood has a wooden fence now. This will be at County expense. The County is involved as well as the State in noise abatement and it is a Federal Law. Federal Law states that no State can expand or improve highways if the noise level is above 65 decibels, which is their limit. There are rules and regulations concerning this, but they are very hard to enforce.

Mr. Bawduniak asked the age of Mr. Skaggs residence?

Mr. Skaggs replied ten years old. Someone wrote a letter saying that the berm at one time was six feet higher than it is now and that it has settled six feet. I don't believe that is the case.

Mr. Ward replied that is not true.

Mr. Vlasho stated that he welcomes Mr. Skaggs to the meetings but to also keep contacting Mr. Ward and staff to give them the needle to keep them moving. We are interested, but we need something to discuss though. Right now all we know is that there is a problem, but we don't now what to do about it.

Mr. Skaggs stated that the residents that are affected have to get together as a group and work as a group, rather than another individual and me.

Mr. Vlasho stated that I do not agree. You have our attention and we are looking for a solution. The only concern I have is the one I stated at the outset and that is that I sure would hate to see a brick wall go up along US 41 on that side.

Mr. Skaggs replied the State is negotiable whether you think so or not. This gentleman I talked to has worked with the State all his life since he is in that business. He has seen communities like us negotiate to have walls put in another place, but the FDOT man we had here said that was impossible, so you never know.

ADJOURN

There being no further business, the meeting adjourned at 6:10 PM.

Mr. Lou Vlasho, Chairman