

May 28, 2002

Item #8E

**ORDINANCE 2002-27, CREATING THE PELICAN BAY  
MUNICIPAL SERVICE TAXING AND BENEFIT UNIT –  
ADOPTED WITH STIPULATIONS**

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The next item on our agenda, and this will be continued shortly, would 8-E.

COMMISSIONER CARTER: It's a Pelican Bay ordinance.

CHAIRMAN COLETTA: Um-hum.

COMMISSIONER CARTER: Mr. Chairman, may I ask if, Ms. Filson, we have any speakers on this? And then I'm going to move for approval, because the Board has heard this. And this is just a continuation of the process to bring it to us. And I think it also has to be heard by the Board again. There's no opposition in the community. Everybody's on board with this. And we've been through everything. And I think it's just time to, as a matter of procedure, to move forward.

CHAIRMAN COLETTA: Any speakers?

MS. FILSON: No, sir, we have no speakers.

COMMISSIONER FIALA: I just had one question. I haven't heard anything at all. Everybody seems to be very happy with this, and you're happy to see the whole community.

I was just wondering why the County pays for the elections. Do they do that in other MSTBU's or MSTU's or whatever?

COMMISSIONER CARTER: I really don't have the answer to that. But Mr. Dwight Brock was here and gave you that answer by saying that was something that he was going to pay for.

COMMISSIONER FIALA: Oh, okay. If he wants to pay for it

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CHAIRMAN COLETTA: That's fine.

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COMMISSIONER FIALA: -- fine with me. Great. That's all I needed. COMMISSIONER CARTER: Then I would recommend to the Board that we approve the attached ordinance creating the Pelican Bay MSTBU and superseding, repealing and consolidating prior related ordinances, further that the Board authorize a chairman to sign said ordinance.

COMMISSIONER FIALA: Second.

CHAIRMAN COLETTA: We have a motion from Commissioner Carter and a second from Commissioner Fiala. Any discussion?

Commissioner Henning?

COMMISSIONER HENNING: Can we put in the motion that the Clerk of Courts would -- it would come out of his budget for the fee?

COMMISSIONER CARTER: If we go back in public record, and if he's listing, which he may not be, but one of his associates is, he can probably call us and correct me if I'm wrong, but if I remember his last statements in front of this Commission, he said he would take care of it.

COMMISSIONER FIALA: It says in here, "The cost of the nominating and balloting process shall be born by the Board of County Commissioners." It would be better if it said, "By the Clerk's Office," if that's what he wanted us to do. I was just concerned, and I'm sorry to bring up --

COMMISSIONER HENNING: Comes out of the same pocket.

COMMISSIONER FIALA: -- a stickling point here but --

COMMISSIONER COYLE: Yeah, it comes out of that interest.

COMMISSIONER CARTER: Well, since it's not in your district, I'm amazed that you're over here dealing with it again.

Mr. Weigel?

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MR. WEIGEL: Thanks. If I can help a little bit. The fact is is whether it's the clerk or the Board of County Commissioners, the balloting -- the nominating and balloting process is one where this ordinance provides that it's a County Attorney Clerk function.

And so we're going to be working together on that, in any event. And the County will be paying for it, you know. Through the County Attorney's Office and the staff that we provide, there will be some mailings and things of that nature. But we'll be coordinating with Dwight. The ordinance is written as it's written. And we've talked with Dwight about it. And that's the way it's to be written. But the fact is is this is a rather unique situation. We may never have another MSTBU with some of the, I think, hybrid and special qualities and desires for Government participation that this one has. And so from the County Attorney's standpoint, I think it's a very good process.

And I wanted to also mention another thought that Commissioner Carter had mentioned to me in our review process and I'd like to have it reflected here on the record today. And Commissioner Carter had noted that in regard to beautification, maintenance, conservation areas, and it talks with streets and lighting and other things, that another concern that this district may have may be concerning ambient or street noise.

And so I would ask that the motion and the second include that I will add a couple words including anything necessary for consultant studies and to take care of noise or ambient noise. And that would probably, I'm not the consultant, but it would probably be in terms of landscaping and berming and things of that nature.

COMMISSIONER CARTER: And I would give them the authority if they so choose. It's not a mandate on our part.

MR. WEIGEL: That's right. This ordinance provides for an ever closer relationship with the County Manager, working with the Board of the MSTBU. It's a nine plus two, eleven member Board.

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Eleven members is what they have right now. Two of those members are the commercial business interest. They do not have to reside in the district. They do have to reside in the County.

And that's fair play, in essence. Because if you have representatives from the Ritz or the Registry or any other businesses that are within the Pelican Bay MSTBU, they can certainly be very vital and interested members, but not necessarily be residents within the district within which their business is operating.

Again, it's a process that provides for nomination, sort of like the people's choice, rises and bubbles to the top and comes to the Board of County Commissioners. The Board of County Commissioners ultimately appoints all members, and as with all committees serve at the pleasure of the Board of County Commissioners. And Mr. Brock took great pains to see to it that the transition is gradual. No one is thrown out of a job at the present time who's a member of committee. Things will start to happen toward December of 2002, in a rather gradual way. And we look forward to the process as far as our end goes.

COMMISSIONER FIALA: I just have to apologize to you if I offended you. I served on an MSTU, and they were always docked. And it became a big contentious issue with this one and I just didn't -- I was just asking the question to ask a question. I certainly didn't mean to offend you.

COMMISSIONER CARTER: I understand, Commissioner. I just -- I'm going to leave it alone.

CHAIRMAN COLETTA: Okay. So we have a motion by Commissioner Carter?

COMMISSIONER CARTER: Yes.

COMMISSIONER FIALA: I second it.

CHAIRMAN COLETTA: And we have the second from --

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MR. WEIGEL: If you had my language also to concern -- to include the studies --

CHAIRMAN COLETTA: They agreed to that.

MR. WEIGEL: -- and consideration regarding noise. And I'll add those words to it.

COMMISSIONER CARTER: All right. I include it.

CHAIRMAN COLETTA: Any other discussion? All those in favor, indicate by saying aye. Aye.

COMMISSIONER CARTER: Aye.

COMMISSIONER FIALA: Aye.

COMMISSIONER COYLE: Aye.

COMMISSIONER HENNING: Aye.

CHAIRMAN COLETTA: The ayes have it 5 to 0.

We're going to take a five-minute break so they can switch the tapes out in the production room. Thereupon,

(A recess was had and the hearing continued as follows:)

Item #8C Continued from earlier in the meeting

PETITION RZ-01-AR-1143, JAMES G. O'GARA,  
REPRESENTING GOLDEN GATE CAPITAL, LTD. --  
REMANDED TO THE COLLIER COUNTY PLANNING  
COMMISSION

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CHAIRMAN COLETTA: Had to go back on the one there on the Golden Gate.

MR. WEIGEL: Yeah.

CHAIRMAN COLETTA: Okay. You are prepared?

MR. WEIGEL: I'm prepared. We're ready.

CHAIRMAN COLETTA: We'll return to the one there on the Golden Gate Zoning change.