

**LELY COMMUNITY DEVELOPMENT DISTRICT  
NAPLES, FLORIDA  
REGULAR MEETING OF THE BOARD OF SUPERVISORS  
April 15, 2015**

A regular meeting of the Lely Community Development District Board of Supervisors was held on Wednesday, April 15, 2015 at 1:40 p.m. at the LCDD Maintenance Building.

**SUPERVISORS PRESENT:** Robert Fisher, Chairman  
Gerry Campkin, Vice-Chairman  
Harold Ousley, Treasurer  
Kenneth Drum, Secretary  
William Lee, Public Relations

**ALSO PRESENT:** W. Neil Dorrill, Dorrill Management Group, Manager  
Assistant Secretary /Treasurer  
Kevin Carter, Dorrill Management Group  
David Bryant, District Counsel  
Jerry Ellis, Operations Manager

**INVOCATION/PLEDGE OF ALLEGIANCE**

The meeting was called to order by Mr. Fisher and the invocation was offered by Mr. Dorrill. The Board then recited the Pledge in unison.

**ROLL CALL/APPROVAL OF AGENDA**

All members were in attendance. Mr. Dorrill explained the ruling of the Florida Legislature that prompted the addition of Public Comment after the Pledge of Allegiance. Items 7A, Security; 7B, Mr. Drum's attendance via speakerphone in May; 7C, Dog Park Water; 7D, Outside wall at the Classics; 7E, Lighting at Meeting Center; 7F, Alligator tracking; and 7G, Line-of-Sight issues were added to the Agenda, and **on a MOTION by Mr. Drum and a second by Mr. Lee, the Agenda was then unanimously approved as amended.**

**PUBLIC COMMENT**

Mr. Barnhardt \*\* from the Classics asked about the liberal use of herbicides around the sides of the lake, and wondered if that is the best practice. Mr. Dorrill indicated that he would speak to that under the Manager's Report.

Mr. Lee's to the issue of Stock not turning associations over to the residents when the

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units sold warranted it. Mr. Bryant indicated that the Department of Professional Regulations at the State level has indicated that they have no legislative authority to deal with these types of issues, and the only option would be a lawsuit or the filing of an elections complaint with the State by an association to effect any changes.

Mr. Campkin indicated that not including the last commercial parcel on Rattlesnake and Grand Lely, the total amount of units that can be built in Lely as it stands presently is 4,363. As of the first of March, there are 3,975, which is more than the percentage required for takeover.

Another resident asked what the relationship was between Stock and the CDD, and he was advised that Stock had no control over the CDD which is a public body served by a Board which is composed of five residents and represents roughly half of Lely Resort, the other half being outside of the District. The District provides water to those outside residents for a fee.

Mr. Dorrill explained that there is a contractual arrangement between the District and the Master HOA that is currently the subject of a two year lawsuit. Stock, through the Master HOA, remains current on his CSA payments, and contributes almost \$700,000 a year in revenue to the CDD in return for drainage, limited street lighting and irrigation water along with all of the benefits within the CDD boundaries, such as the horses and landscaping on the main boulevards.

**APPROVAL OF MINUTES OF MARCH 18, 2015 WORKSHOP AND REGULAR MEETING**

As it relates to the Workshop, on Page 1 in the second paragraph, in the third line from the bottom the word “may” should be “many” before the word states.

On Page 3, in the last paragraph, Sergeant Mulholland should be Lieutenant Mulholland, and should be corrected in three other locations within the minutes.

**On a MOTION by Mr. Lee and a second by Mr. Ousley, the Workshop minutes were unanimously approved by the Board as amended.**

As it relates to the regular meeting minutes, on Page 2 under Median Line-of-Sight issues, the road mentioned in the first line should be Grand Lely. Under the Newsletter, the word “Mater” in the last sentence should be “Master”.

On Page 5 under the Dog Park, in the last line “CDD” should be “fee”.

**On a MOTION by Mr. Lee and a second by Mr. Campkin, the Regular Meeting minutes were unanimously approved by the Board as amended.**

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**MANAGER'S REPORT**

**A. Tentative Budget**

As an advertised published hearing must be established in August to adopt the budget, Mr. Dorrill is required to have the tentative Budget approved by June 15<sup>th</sup> by the Board.

To that end, Mr. Dorrill indicated that the tentative budget as submitted is increasing by \$60,570 which will be offset primarily by the growth in the CSA fees. The rate of assessment will remain as it has been since 2011.

The only real increase in the cost centers is primarily due to a 2 percent cost of living increase for employees and the associated costs for FICA withholding. Mr. Dorrill referred to it as a maintenance level budget, and advised the Board members that they would be work shopping it in more detail the following month. It will be transmitted to the Board of County Commissioners, which is the reason it was on the agenda for today's meeting.

In response to a question by Mr. Campkin, Mr. Dorrill indicated that as well as the CSA funds, the District has separate irrigation contracts with the Board of County Commissioners for the South County Regional Library, the County 911 emergency center, and the Collier County School Board for an elementary school in Naples Manor, and those fees come under miscellaneous income as well.

Mr. Dorrill noted that any category can be adjusted as late as the public hearing in August.

Mr. Drum asked if the updated capital master plan would be provided to the Board and was advised that it will be available at the Budget workshop.

Mr. Lee asked if the Board had considered putting aside funds for the new horse monument that will be installed next year, and Mr. Dorrill advised that while they do not have a specific fund for that, for the past three years the District has been setting aside \$250,000 each year for the Capital Improvement Program.

Mr. Dorrill and Mr. Carter will work on a number to cover the hardscape associated with the future Lely Freedom Horses for the Capital Improvement Program.

**On a MOTION by Mr. Lee and a second by Mr. Ousley, the Board unanimously accepted the tentative budget subject to a workshop in May and a public hearing in August which would occur on the 19<sup>th</sup> as part of the regular meeting.**

**B. Aquatic Spraying**

In response to a question posed earlier by a resident, Mr. Dorrill indicated that they do use two types of aquatic chemicals that are heavily regulated by the State of Florida and a special

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license from the Department of Agriculture is required to do any aquatic spraying. The District holds that license, and a product called Sonar is being used on these aquatic plants. The littoral bank shelves are sprayed in the fight against torpedo grass and dollar weed. Copper sulfate or hydrogen peroxide is being used to fight the algae.

Mr. Dorrill asked the resident who had concerns with over spraying to meet with him after the meeting to discuss this further.

**ATTORNEY'S REPORT**

**A. Letter to Stock**

Mr. Bryant provided copies of the letter written to counsel for both Stock and the Master HOA regarding the District's Motion for the entry of a counterclaim that was to be filed on the 13<sup>th</sup>. In a conference call held on the 10<sup>th</sup>, both attorneys for Stock and the HOA agreed that the Judge would grant the motion filed by Mr. Bryant and stipulated to the Board's entry of the counterclaim. This saves time and money for everyone.

Once the paperwork is submitted and signed, Mr. Bryant will be filing a counterclaim against Stock for approximately a third of a million dollars.

On the 13<sup>th</sup>, counsels for Stock and the HOA asked Mr. Bryant if he would stipulate to their amending their complaint, although Mr. Bryant is not aware of how they want to amend it at this point. The Board agreed that they would wait until they are told what the changes are before they stipulate to anything.

**B. Watering outside the Wall**

Mr. Bryant has not yet addressed this issue, as he was waiting until the court hearing was over. He did tell Stock's attorney that there are some additional water issues, and she indicated that he should send this information to her to look at.

**FINANCIALS**

The fifth month financials showed \$2,330,000 in cash, with \$700,000 of it sitting in the special reserve fund. An additional \$50,000 was just deposited into that account to complete the 2015 transfer.

Almost \$40,000 in tax money was received during the month of February and year-to-date revenues are at about 87 percent of budget. Any unpaid taxes as of April 1 are delinquent and some additional funds are expected to come in prior to them being sold at public auction.

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Total operating expenses including capital charges and pre-purchases are \$68,000 over budget, but do include the annual payments for insurances. The second quarter CSA payment at almost \$175,000 came in during the month of February, and approximately \$336,000 to \$360,000 is expected for the remaining portion of the year of CSA revenues.

Mr. Drum asked about repairs on the irrigation system, and Mr. Dorrill indicated that \$44,000 was spent recently with a budget of \$57,000. Mr. Ellis indicated that a pump needed to be replaced, and the snail screens were also redone.

**On a MOTION by Harold Ousley and a second by Gerry Campkin, the February financials were unanimously accepted by the Board.**

**SUPERVISORS REQUESTS**

**A. Newsletter/Security**

Mr. Drum complemented Mr. Dorrill on the latest newsletter, and Mr. Dorrill gave credit to Dee in his office who did a great deal of the work, and also renamed the newsletter The Freedom Flyer. Mr. Drum indicated that in attending a workshop of local association presidents, he learned that the term security should be carefully used, as residents could be under the impression that a gated community provides total security to them, when in reality it does not. This could create a serious liability for the District.

Mr. Dorrill agreed, noting that the part time patrol's role is to observe and report rather than to engage or confront suspicious activity, and this should be clarified to residents.

**B. Attendance at May Meeting**

Mr. Drum asked for approval to appear at the May meeting by phone, and Mr. Fisher noted that he, too, may be away at the time of the meeting.

**On a MOTION by Mr. Ousley and a second by Mr. Lee, the Board unanimously approved the appearance by Mr. Drum via speakerphone at the May meeting and the possible appearance via speakerphone by Mr. Fisher.**

Mr. Bryant reminded the Board that they will need at least three people to be in actual attendance to constitute a quorum. Mr. Ousley, Mr. Lee and Mr. Campkin will be present.

**C. Dog Park Watering**

Mr. Dorrill advised the Board that he and Mr. Bryant will be having a follow-up conversation with Stock about the several areas that are outside of the CSA coverage that the District is

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providing water for without compensation, including the dog park. Mr. Stock is now on notice that the District is not intending to provide water to the new commercial parcel that is under development. After a brief discussion, Mr. Dorrill added that if the dog park is in the District as a commercial entity, then they are paying in support of the Association. He noted, however, that if the dog park is an asset that that is outside the District boundary, then it needs to be discussed as Mr. Bryant's overall concern.

**D. Lighting at Maintenance Building**

Mr. Lee noted the need for more lighting and outlet options in the meeting area of the maintenance building, and Mr. Dorrill agreed, indicating that this is the one free area where people can hold meetings in the District. He will look into having an electrician install another switch for the front half of the room to facilitate power point programs and other meeting needs.

**E. Alligator Tracking**

Mr. Ousley indicated that three alligators had been pulled out of District lakes in the past three weeks as this is the season where they are very active. He urged those present to call him if an alligator is spotted and the trapper will come out very quickly.

**G. Line-of-sight issues**

Mr. Campkin noted that there still are some line-of-sight issues within the District, and suggested that Mr. Carter drive around the District with him and look at the spots that need pruning, which are more obvious when in a regular sedan as opposed to an SUV. Mr. Carter agreed.

**PUBLIC COMMENT**

Mrs. Klinkerman from Lely Island Estates asked if the alligators are always pulled and she was advised by Mr. Ousley that they are, and they are usually killed.

Mrs. Klinkerman also expressed her thanks for the drive around that Mr. Campkin will be doing, as it is much harder to see in certain areas when you are in a sedan and are lower to the ground. She also asked if large delivery trucks were allowed inside of Lely without having a delivery to make, and Mr. Dorrill indicated that all the roads in Lely were public, and owned by the County, therefore those trucks are allowed to use them.

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Mr. \*\*\* asked if they Board kept a list of the new residents and Mr. Dorrill indicated that they do not, but are notified by the Master HOA as to the number of certificates of occupancy issued and they track them, but they do not keep a separate list or register. The CSA agreement does not charge a unit until such time as it is sold to an end user. Mr. \*\*\* asked if it were possible for every resident of Lely to receive a newsletter as there is so much important information in it. Mr. Dorrill explained how the mailing is determined, and those residents living within a particular geo-cell which is comprised of all parts of a particular area code, received one within certain street boundaries in the bulk mailing from the printer.

Mr. Dorrill brought some extras with him today for anyone who did not receive one and wished to have a copy. He will also provide the addresses of people within the District who did not receive one to the printer to be included in the next mailout.

**ADJOURNMENT**

The Board will next meet on May 20th beginning with the Supervisor or Election's workshop at 1:00, with the regular meeting following. Mr. Dorrill also noted that he would not be at the June meeting which is scheduled for the 17<sup>th</sup>, and the Board members will advise Mr. Dorrill's office as to an alternate date in June that will work for them.

**The meeting was then adjourned on a MOTION by Kenneth Drum and a second by Bill Lee at 2:46 p.m.**