

**LELY COMMUNITY DEVELOPMENT DISTRICT  
NAPLES, FLORIDA  
REGULAR MEETING OF THE BOARD OF SUPERVISORS  
SEPTEMBER 16, 2015**

The regular meeting of the Lely Community Development District Board of Supervisors was held on Wednesday, September 16, 2015 at 1:30 p.m. at the LCDD Maintenance Building.

**SUPERVISORS PRESENT:** Robert Fisher, Chairman (Via Speakerphone)  
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 AND PLEDGE OF ALLEGIANCE**

The invocation was offered by Mr. Dorrill, and the Board recited the Pledge of Allegiance in unison.

There were no comments received from the public.

**ROLL CALL**

The meeting was called to order by Mr. Campkin, and **on a MOTION by Mr. Ousley and a second by Mr. Drum, Mr. Fisher's participation via speakerphone was approved.**

All other members were in attendance.

**APPROVAL OF AGENDA**

With the addition of items 7A, US 41 Entrance Modifications; 7B, Workshop on 15-year cash flow; 7C, Horse Monument; 7D, Grand Lely parcel at Rattlesnake and 7E, Entrance at Outback, **The Agenda was approved on a MOTION by Mr. Ousley and a second by Mr. Drum.**

**APPROVAL OF MINUTES OF AUGUST 2015 MEETING**

On Page 3, the resident from Mustang Island Circle is Ann Marie Bulaizik.

**With that addition, the minutes were unanimously approved on a MOTION by Mr. Ousley and a second by Mr. Lee.**

**MANAGER’S REPORT**

A. Bench Update

The benches have been delivered and one bench will be moved from its original position about 10 yards to get it back into the road right-of-way, as this project is being done under a County road right-of-way permit. Mr. Cole did an analysis of the area which will be submitted back to the County for the permit, which should take no longer than 30 days.

In response to Mr. Ousley’s question, Mr. Carter indicated that the bench that had to be moved will still be installed in a shaded area.

B. Street Light Installation

The installation of the new lights began the previous Monday at the 41 entrance and the poles are taller and more uniform than those that were there previously. New LED lighting is being installed as well.

C. Group Health Insurance Quote

The Board was provided with information regarding the health insurance increase for the coming fiscal year at 10.9 percent. Medical costs in Naples have increased, the work force at Lely is slightly older, but the utilization the previous year was very good with no big or unusual claims.

The renewal information provided a plan that had increases and alternatives, and the present increase can be halved with the alternative plan which has an increased calendar year deductible, with increased primary physician co-pay and drug benefits, all of which are high. Staff recommended that the Board should elect to renew their present PPO plan for the number of people who participate in it, Blue Options Plan 5469. The total monthly premium will be \$9,461 for the 17 participating employees and one dependent. Mr. Dorrill noted that there are adequate funds in the budget to cover this increase.

**On a MOTION by Mr. Drum and a second by Mr. Ousley, the Board unanimously approved the renewal of the present PPO plan for the participating employees.**

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D. Proposed Amended Workshop Schedule

The October meeting will have a workshop on capital budgeting and cash flow update. The balance of the schedule will remain unchanged as previously discussed.

**On a MOTION by Mr. Lee and a second by Mr. Drum, the Proposed Workshop Schedule was unanimously approved by the Board.**

**ATTORNEY'S REPORT**

A. Water Agreement with the County

The County has agreed with Mr. Bryant's requests for the new water agreement, and the County Attorney handling this issue has agreed as well. Mr. Bryant also wrote John \*\*\*Ike a letter indicating that the County Attorney has signed off on this, stressing that the District still requires that the new water agreement will provide the same or a greater amount of water consistent with the agreement presently in existence.

When the woman in charge of this issue at the County returns to work, another meeting will be held with the principals that met initially along with the head of that division.

Mr. Drum asked if there was any new information on whether the shopping center known as Hogan's Plaza at the intersection of Grand Lely and 951 will be hooking onto the District's water system. Mr. Bryant indicated that they have tapped into a fire hydrant for water with a three inch PVC pipe for the construction process, and Mr. Dorrill pointed out on the map where their water will be flowing.

Mr. Dorrill suggested that a site development plan would provide further information, and an attempt will be made to get a copy of that.

B. Litigation Update

The District's expert will have his videotape deposition taken on the 28<sup>th</sup> of September in Fort Lauderdale. Mr. Bryant will keep the Board advised as this goes forward, and he hopes that this deposition will bring the issue closer to an end.

**FINANCIALS**

The tenth month financials showed \$2,130,000 in cash and reserves against \$104,000 in payables. The income statement showed \$240,000 under other miscellaneous revenue which was the fourth quarter CSA payment from the Master HOA. Year-to-date the CSA fees are almost \$800,000 against a budget of \$670,000, which Mr. Dorrill indicated was a function of the rate of sales and growth beyond what was projected.

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Total revenues for the year were \$2,800,000 against a budget of \$2,740,000. In response to Mr. Lee's question about the amount of money received from other agreements for water, Mr. Dorrill noted that he was going to check the \$19,000 received from the School Board as it may have been booked under the County Commission in error.

Total operating expenses year-to-date stood at \$1,867,000 against a year-to-date budget of \$1,811,000, about \$50,000 over budget. This is primarily due to the three pay periods during the month of July which will even out in the remaining two months. Expert witness fees are also well over budget, as are the effluent purchases from the County year-to-date, although these monthly costs will diminish in the rainy season.

In response to Mr. Lee's question, Mr. Dorrill indicated that a final \$50,000 will be deposited into the capital reserves which will show up on the August financials which the Board will receive at their October meeting.

Mr. Lee also reminded the Board that an additional \$250,000 was discussed at previous meetings to be put aside for the funding of the Freedom Horses Monument.

**On a MOTION by Mr. Ousley and a second by Mr. Lee, the financials were unanimously accepted, and an additional \$250,000 was authorized for the capital reserve in anticipation of funding the Freedom Horses Monument off of Collier Boulevard.**

Mr. Bryant indicated that if the CDD wished to install the horses prior to the outside installation date, they will notify Stock, and then have the right to prepare the site and install the horses in accordance with Stock's plans and specifications at the CDD's sole cost and expense.

If Stock does not prepare the site and install the horses prior to the outside installation date, then the CDD will have the right to do so in accordance with the terms set forth as indicated above after providing Stock with written notice of its intent. In that event, Stock will be responsible for one-half of the costs and expenses related to the preparation of the site. The outside date is September 22 of 2016.

**The MOTION was then unanimously approved.**

**SUPERVISORS' REQUESTS**

A. US 41 Entrance

Mr. Drum spoke to the County's decision to raise the speed limits to 30 in the Lely Community, and along with increased traffic, the situation would be a dangerous one. He asked Mr. Dorrill how the County Traffic Planner could go ahead without the porkchop being installed at the front entrance as the State had required. Additionally, the County is communicating with Mr. Gelder of the Master HOA who is not communicating with the CDD on these issues.

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Mrs. Bulaizik spoke about this, indicating that the temporary channel should be completed within four to five weeks, at which point more traffic studies will be done.

The Board members discussed the speed limit which apparently was not legal at 20 miles per hour, as well as the difficulties in exiting Lely as accidents continue to occur on a regular basis.

Mr. Bryant suggested that the Board take a vote opposing the speed limit increase, at which point either himself or Mr. Dorrill or the Chairman could present that to the Board of County Commissioners, advising them that they are totally opposed to it and that there is no need for it. He added that the County is able to set a speed limit of 20 to 25 miles an hour by State Statute in certain areas after determining that such a speed limit is reasonable.

**On a MOTION by Mr. Ousley and a second by Mr. Drum, Mr. Bryant was authorized to send a letter to the Transportation Department and to the Board of County Commissioners opposing increasing the speed limit on residential streets within the Lely CDD. The motion was unanimously approved.**

B. Article Regarding East Naples Residents in ND News

Mr. Lee noted that this article contained a quote by the Chairman of the Planning Commission who said that the Vice-President of sales and marketing for Stock Development indicated that they are approved for a new development on Grand Lely Drive and Rattlesnake with 9,150 units, although there are no plans to do that now.

Mr. Bryant indicated that this piece is the last one, and once they commit to a number of units, then they have established what the maximum is. So far there have been no meetings with the County or site development plans presented.

C. Entrance into Outback Parking Lot

Mr. Ousley suggested that a letter should be written to Mr. Casalanguida about the necessity of an exit off of US 41 into the Outback parking lot as there is so much development behind it and an additional exit will be needed. He added that the porkchop by McDonalds is causing more trouble than anything else and should be done away with, but Mr. Fisher suggested that the State would be the entity to make those changes, along with speed limits on state highways. The Board discussed all these issues and felt that a letter to the Mr. Casalanguida at the County would not be effective as it is outside of his purview.

D. Site plans at the Signature Club

Mr. Campkin asked if it was possible to obtain a copy of the Signature Club's site plan,

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and Mr. Dorrill indicated that typically they would see plat approvals, but condominiums are not platted. He will ask Mr. Cole if the District is entitled to see the condominium documents prior to them being recorded.

**E. Replacement Tiles on Roofs**

Mr. Drum asked if anything further had been done to replace some of the loose roof tiles which could be a danger in a storm. He was advised that a notice went out from the Collier Building Industries Association apparently from the County, advising all builders that pursuant to Statute, all items that could become projectiles in the event of a hurricane must be removed.

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**PUBLIC COMMENT**

There were no comments received from the public.

**ADJOURNMENT**

The October meeting will be held on the 15<sup>th</sup> at 1:30, with a workshop on the capital reserve and cash flow starting at 1:00. The meeting was then adjourned at 2:45 p.m. **on a MOTION by Mr. Drum and a second by Mr. Lee.**