

**LELY COMMUNITY DEVELOPMENT DISTRICT
NAPLES, FLORIDA
REGULAR MEETING OF THE BOARD OF SUPERVISORS
September 21, 2016**

The regular meeting of the Lely Community Development District Board of Supervisors was held on Wednesday, September 21, 2016 at 1:30 p.m. at the LCDD Maintenance Building.

SUPERVISORS PRESENT: Gerry Campkin, Chairman
William Lee, Vice Chairman
Harold Ousley, Treasurer
Kenneth Drum, Secretary

ALSO PRESENT: W. Neil Dorrill, Dorrill Management Group, Manager
Assistant Secretary /Treasurer
David Bryant, District Counsel

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ROLL CALL

It was noted that four of the Board members were in attendance. Mr. Fisher as of the commencement of the meeting had not yet called in via speakerphone.

PUBLIC COMMENT

Mr. *** thanked the Board for the benches that have been placed around the community, and suggested that if some flowers and/or bushes were planted around the benches it would make those areas look even nicer.

APPROVAL OF THE AGENDA

With the addition of Items A7, Mr. Drum's nonappearance in November; 7B, Signage re: change of PUD; and 7C, Discussion of Step Program, **the agenda was approved on a MOTION by Mr. Drum and a second by Mr. Ousley.**

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APPROVAL OF MINUTES OF AUGUST 17, 2016 MEETING

On Page 3 under Approval of the July Minutes, on line 5, the first gentleman noted was Mr. Eric Spitzer, and he and Mr. Stacey were representing the Majors Community.

On Page 5, under Item C, Line 2, the community was Tiger Island as opposed to Mustang Island.

With those corrections, the minutes were unanimously approved on a MOTION by Mr. Ousley and a second by Mr. Lee.

MANAGER'S REPORT

A. August Patrol Reports

The August summary from the Sheriff's Department showed that there were 89 traffic stops which resulted in warnings and two citations for not stopping at a stop sign, the other for a headlight being out. There was also a license expiration citation. There were no arrests during August. Several silent alarms were noted where the on duty patrolman was the first to respond. There was a trespass warning issued for some individuals who were fishing, and they were removed from the property after the patrolman checked for any outstanding arrest warrants against them.

The on duty officers have a universal chip that gets them into any gated community if necessary, and in response to Mr. Drum's question as to whether it can be determined if the Sheriff's Department's presence has reduced traffic violations in the community, Mr. Dorrill noted that a summary can be prepared for the prior six months to determine any difference the Sheriff's presence has made. Mr. Campkin did not think that a significant change will be noted as the traffic is so heavy, but Mr. Dorrill felt that the local traffic may be more aware.

Mr. Drum also asked if the ratio of resident to non-resident traffic stops could be determined, and Mr. Dorrill will check to see if that information can be obtained.

B. Approval of Community Service Procedures

Mr. Dorrill asked the Board to consider approving the final Policies and Procedures Manual connected with the Community Service Program draft. It has been reviewed by both Mr. Bryant and Mr. Dorrill, and the Board was asked to adopt them in substantially the form that they are being presented, with any amendments the Board wished to make today.

An individual has been interviewed and the Board is prepared to offer the position to him. A background check has been done for the man selected for the Community Service Program, and he is a former police officer in North Carolina and Florida. He has also done private security work, and his references are excellent. Mr. Dorrill added that he has a good managerial

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approach and personality for this position. (Mr. Lee's comments were inaudible.)

Mr. Dorrill noted that they are evaluating providing radios to the staff security providers as well as first aid items such as fire extinguishers.

Mr. Drum asked about the shift hours, and Mr. Dorrill indicated that two full time individuals are budgeted for shifts in the community, as well as some overtime and part time coverage to account for annual or sick leave. A third shift is not contemplated at this time.

In response to Mr. Drum's question as to total costs for the new position for in house security as well as the ongoing Sheriff's deputies, Mr. Dorrill indicated that roughly it will be \$90,000 to \$100,000 for everything including some start up costs for uniforms and training, slightly more than they were paying G4.

The position for the new employee will be a non-exempt one, eligible for overtime, and he will supervise the community service program.

Mr. Campkin asked if 8:00 a.m. was early enough to start the first shift, and Mr. Dorrill suggested that if Mr. Carter wished to make those changes, the wording in the manual could read, "mobile patrols shifts as may be amended".

Mr. Drum asked if the pump house, for example, would be monitored electronically, and was advised that funds are available for technology upgrades such as proximity pads which would make an electronic notification that an officer checked a specific site. There are also GPS locaters on the roving cars. Some of the cameras should be updated as well. Mr. Carter will work with the new employee on post orders to establish what the expectations will be.

On a MOTION by Mr. Ousley and a second by Mr. Drum, the Board unanimously approved and agreed to adopt the new Community Service Procedures with the exception of allowing Mr. Carter to adjust the shifts as the needs may dictate.

C. FY 2017 Insurance Package

This commercial package includes the property, fixtures, public official's liability and worker's comp. The District participates in the Public Government Insurance Trust which operates like a not-for-profit co-op including several hundred members in Florida. The total package cost for next year had a 5 percent increase over the current year, primarily linked to worker's comp and the automotive policy due to the value of the newer equipment. Mr. Campkin asked if there was an uninsured motorist policy included in the coverage, and Mr. Bryant suggested that uninsured motorist coverage should always be obtained for individuals, but in this case, it would be less of an issue. **On a MOTION by Mr. Lee and a second by Mr. Drum, the 2017 Insurance package was unanimously approved by the Board.**

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D. FY 2017 Group Health Insurance Renewal

Blue Cross is the provider for this insurance, which is a generic type of plan that has had good participation from the employees. The Blue Options Plan 5409 that is in place offers alternatives which staff is not recommending due to their higher values. The increase for next year will be \$299 per month.

On a MOTION by Mr. Drum and a second by Mr. Ousley, the Board unanimously approved the Group Health Insurance renewal for 2017.

Due to the increase in Federal Insurance inspectors in the State of Florida checking on compliance, an enrollment meeting will be held with the employees to make sure that the Lely CDD is in compliance.

E. Lely Freedom Horses Update

Schematics have been received from Stock's attorney regarding the plans for the new horse monument. No water feature is included, but there will be some elaborate hardscape and landscape. Mr. Dorrill noted that he continued to have some general concerns about the idea of the monument being what is called an attractive nuisance, which could cause people to stop their cars in the roadway to take a picture, or park their cars in the shopping center to the north. He felt that needed to be evaluated as there is very little room for parking at the monument itself.

The Board discussed this issue, and Mr. Bryant felt that signage indicating no stopping will be necessary. Mr. Campkin had suggested that they should discuss having a parking area in the Stock Plaza for this purpose with Mr. Stock, and Mr. Bryant agreed that he could ask Mr. Stock's attorney's if they would consider that. Mr. Drum felt that the whole monument was overdone. Mr. Bryant will discuss the parking issue with Stock's counsel as well as getting an idea of how the median is going to be crowned and what the plant pallet will be due to irrigation issues. The Board will be kept advised on what information Mr. Bryant receives from Stock. An additional concern that was discussed by the Board was the flow of pedestrian traffic crossing the roadway for picture taking, which could be a real liability.

F. New Patriotic Holiday Banners

Mr. Carter provided some sketches to the Board on what staff is getting ready to order as far as banners to be hung from the LED light poles. The banners will be concentrated around the approach into Lely and at the Freedom Memorial. These banners will replace the hundreds of flags that have been used in past years, several of which are stolen annually. The goal is to

have the banners up by Veterans' Day.

ATTORNEY'S REPORT

A. Further Discussion on Horse Monument

Mr. Bryant suggested that Stock's interest in erecting the second horse monument is very positive for the CDD, as initially Stock was not going to even look at the monument until after the first of the year. Now they are trying to enhance the appearance of the commercial site, and additionally, making an effort to get all the issues between Stock and the CDD settled.

Mr. Bryant has had a number of discussions with the mediator, who also has a very positive attitude about getting the issues resolved.

Mr. Bryant regards Stock's actions with the second monument as a positive indicator for a global settlement.

B. Broken Irrigation Pipe

A large, underground irrigation pipe was hit by an excavating company, **Nastek, which was doing work for Comcast. They have claimed that it is not their responsibility or fault, which the District does not accept.

Mr. Bryant spoke with Mr. Leo Ochs, the County Manager, and explained the issue to him. Within the hour Mr. Wilkinson called Mr. Bryant and assured him that he would speak to the Director of Road Operations at the County, and Mr. Bryant felt that they were on the road to getting the issue resolved.

As Nastek does not feel that they are in the wrong, this may lead to litigation. There are many facets to this issue, including the roadway where this occurred, Triangle, is privately owned, and the District has sovereign immunity, among others. Mr. Bryant, however, hopes that it will be resolved with the involvement of the County Manager and Mr. Wilkerson. This incident has led to staff deciding to get together with Mr. Cole to determine where the shutoff valves are as there was a large amount of water flowing from the break, which caused a road collapse before the water could be turned off. The Board will be kept advised.

C. Litigation with Stock

Once again, Mr. Bryant advised the Board that the mediator was very positive about the chances of settlement for this lawsuit. The Status hearing has been reset for November 4 by the agreement of all the parties. The Judge has also encouraged both sides to settle these issues.

FINANCIALS

The nine month financials showed a very favorable cash position of \$2,264,000 against \$120,000 in receivables. Under the income statement, the revenue section showed \$25,000 having been received from the Collier County School Board for CSA services. Year-to-date interest earnings were \$700, with total projected interest income originally projected to be \$2,000, it is anticipated that it will be near \$6,000, with no fees.

The fourth quarter CSA payment from the Master HOA was almost \$240,000 for the quarter, and is expected to be approximately \$925,000 for the year. The following year the District should receive more than \$1,000,000 in CSA fees. Mr. Drum asked if the Arlington had brought their payments up to date, and Mr. Dorrill will check on that with the accountant to make sure that they were paid. He also briefly went over the four independent CSA amounts that are paid from entities outside of the District, and Mr. Bryant added that the CSA agreement will go on for 20 years, with two 20 year renewals.

On the expense side total operating expenses for all categories was \$47,000 under budget year-to-date, and Mr. Carter was thanked for his excellent job of controlling costs so far this year.

On a MOTION by Mr. Lee and a second by Mr. Drum, the Financials were unanimously accepted by the Board.

SUPERVISORS' REQUESTS

A. Signage re PUD Change

** I could not hear Mr. Lee here at all. Please fill in.

B. Mr. Drum/Participation via Speakerphone in November

On a MOTION by Mr. Ousley and a second by Mr. Lee, the Board unanimously approved Mr. Drum's participation via Speakerphone at the November meeting due to unusual circumstances.

PUBLIC COMMENT

Frank Lamont from Tiger Island asked what the Board's position was on payment for the restoration of lakes in the CDD. Mr. Dorrill indicated that the Board had authorized staff to begin to develop a draft policy with respect to future private lake bank restoration. At this time, the individual homeowner's or the homeowners' association payment is what is contemplated for this policy, and if the Board does that type of work in the future, it would be

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subject to a separate policy. Further, barring some sort of emergency, the Board would typically entertain doing a project during their capital program review which usually takes place in the winter before the budget workshop. Mr. Drum advised that if the Master HOA did any work on the lakes they would charge the Association members through their Association dues. If the District did the work, it would be done out of the budget, and the District's powers and duties would enable them to do so if they chose to.

Mr. Lamont noted that the water pipe is now sticking out into the lake as the erosion is so bad, and Mr. Dorrill indicated that if something needs to be done cosmetically within the District's lake access easement, that could be fixed. He and Mr. Carter will go out and look at the lake and take any corrective action that may be necessary if it is within the drainage easement. Mr. Campkin indicated that the survey of the lakes must be done as soon as possible.

ADJOURNMENT

With the agreement that the next meeting would be held on October 19th, the meeting was adjourned **on a MOTION and a second** at 2:40 p.m.

