

**LELY COMMUNITY DEVELOPMENT DISTRICT
NAPLES, FLORIDA
REGULAR MEETING OF THE BOARD OF SUPERVISORS
FEBRUARY 18, 2015**

A regular meeting of the Lely Community Development District Board of Supervisors was held on Wednesday, February 18, 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 (Via speakerphone)
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
Mr. Hollis, Engineer

INVOCATION/PLEDGE OF ALLEGIANCE

The meeting was called to order by Mr. Ousley, 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, with Mr. Drum appearing via speakerphone. Items 4E, Approval of Budget Amendment; 7A, Striping at Players Cove, and 7B, Commercial Effluent Water were added. With those additions, **on a MOTION by Gerry Campkin and a second by Harold Ousley, the Agenda was then unanimously approved as amended.**

APPROVAL OF MINUTES FROM JANUARY 14 WORKSHOP AND REGULAR MEETINGS

As it relates to the Workshop Minutes, in the fourth paragraph, the word "Boulevard" should be added after the word "Triangle". **On a MOTION by Harold Ousley and a second by Bill Lee, the Workshop minutes were then approved as amended.**

As it relates to the regular meeting minutes, on Page 5 under Section D, the last sentence should read "... paying for the water that they use....".

***Lely Community Development District – Minutes
February 18, 2015
Page 2***

Also on Page 5, Item E should read ****This was inaudible. Please check.

On Page 3, Item B, in the last line a comma should be placed after the word “Board”.

On Page 4, Item B, *** this was also inaudible. Please check.

On a MOTION by Bill Lee and a second by Harold Ousley, the February 18 regular meeting minutes were unanimously approved as amended.

MANAGER’S REPORT

Mr. Dorrill introduced Dee Emerson to the Board as the newest member of his Staff at Dorrill Management, and Mrs. Emerson was welcomed by the Board members.

A. Lely Freedom Horses Agreement

Mr. Dorrill gave a brief background on the second set of Freedom Horses and the agreement that was entered into with Stock Development. This agreement has an outside date of October 9 of 2016, at which point the District has the right to take over the selection of a spot and the installation of the monument if it has not been planned and permitted by that time by Stock, who would then be required to pay half of the site improvements and hardscape.

The agreement was provided to the Board in the backup material, and Mr. Bryant added that It would be to the Board’s benefit to wait until the seven years run from a financial standpoint.

The two locations under consideration by Stock for the horses are at the corner of 951 and Grand Lely Drive, or within Tract 10 located at the southeast corner of Grand Lely Drive and Lely Resort Boulevard. The availability of space will be a deciding factor. Mr. Drum added that the horses could also be place in the median across from the Classics.

Mr. Drum also asked if written authorization and approval from the artist was needed for the pedestal or feature where the horses will be placed, and Mr. Bryant stated that there was no agreement in place regarding that approval, although he will check to see if there were any licensing approvals required at the installation of the first freedom horses. If so, he will determine if it extends to a successor owner, which in this case would be the CDD.

Additionally, Mr. Bryant will contact Mr. Stock to see if he has any designs or plans in place to start the installation of the horses, as there is quite a bit of preliminary work that would have to be done before anything could go forward.

B. Hogan Plaza SDP

The approved site development plan for Hogan Plaza was provided to the Board members,

which is located at the intersection of Collier Boulevard and Grand Lely. While outside of the CDD boundaries, it is important for two reasons, one being the royal palms that were planted there 25 years ago and will have to be moved. While their value has diminished from what it once was, they could possibly be transplanted, and Mr. Ellis will be making the determination of whether that would be feasible and cost efficient. The possibility of selling them is also being looked into.

Secondly, the commercial parcels that are within Lely Resort and outside of the CDD boundaries do not belong to the Master HOA, and the Board is not obligated to provide them with irrigation water. If at some point the Board wished to enter into an agreement with them to do so, then that would be a decision that the Board can make. Mr. Bryant suggested that he write Stock's attorney advising him that they are prohibited from tapping into the District's water until some agreement is in place. The Board agreed, and this will be done.

In response to Mr. Drum's question, Mr. Dorrill indicated that it is possible that there will be litigation between the Classics and Stock Development regarding the access road into the Classics.

C. Street Light Update

An engineering lighting plan was done measuring existing lighting levels against the proposed replacement of the secondary lighting. Mr. Hollis briefly explained the plan and what was included in it. With this plan he was able to focus on all of the five intersections in question individually and to determine the necessary standards.

Mr. Hollis explained the concept of LED lighting which would be used, which is superior in brightness and cost effectiveness.

Preliminary cost estimates were provided to the Board, and to replace 73 lights with the decorative lighting would cost \$353,247 installed. Replacement costs for the standard poles were also included in the information provided to the Board members, at a cost of \$163,374. There will be no changes in the FP&L costs.

On a MOTION by Bill Lee and a second by Harold Ousley, the Board unanimously approved staff to go forward with investigating the project to see if it can be permitted.

D. Freedom Horse Parking

People have been parking their cars on Lely Resort Boulevard in order to take pictures of the Freedom Horses, and it has been suggested that a sign be put up indicating that there is

parking available further up the roadway at the monument. The approval of the County is needed for signage, and **on a MOTION by Gerry Campkin and a second by Harold Ousley staff was authorized to go forward with a request to the County for approval of the signage.** In response to Mr. Fisher’s question about reflective tape along that curve, Mr. Dorrill indicated that permission could not be obtained from the County to install that tape as it did not meet the Uniform Traffic Safety Standards Manual.

E. Budget Amendment for Emergency Generator

The installation of the propane generator is substantially complete, and emergency power will now be available in the event of a hurricane or other emergency. The invoice for it has not yet been received, but a budget amendment was requested by Mr. Dorrill in the amount of \$26,230 as they are in a new fiscal year. **On a MOTION by Gerry Campkin and a second by Bill Lee, the Board unanimously approved a budget amendment in the amount of \$26,230 for the new emergency generator.**

ATTORNEY’S REPORT

A. Turnover Percentages for Master HOA

Mr. Bryant indicated that he is still researching the percentages for the Master HOA turnover, and as soon as he has an answer he will advise the Board.

B. Counterclaim Hearing re: Litigation

April 13 has been set for the hearing on the counterclaim, which Stock has refused to stipulate to. Mr. Bryant anticipates that the Court will approve the counterclaim, and has already filed the counterclaim as an attachment to the motion so the judge can review it prior to the hearing.

FINANCIALS

The first quarter financials through the end of December showed 2.5 million dollars total in cash against \$140,000 in payables for an overall fund balance, including the fixed assets, of \$13,500,000. The income statement showed \$714,000 being taken in during the month of December, and year-to-date revenues are at \$1,600,000, almost 80 percent of budget.

On the expense side the total the over budget amount was shown at \$22,000, primarily due to increased forensic auditing and legal fees for the ongoing litigation. Ongoing costs associated with closing out the well field project spilled into the present fiscal year and those were noted as well as some higher than expected maintenance and repair item costs for irrigation.

CSA fees are higher than anticipated by approximately \$20,000.

On a MOTION by Harold Ousley and a second by Bill Lee, the Financials were then unanimously accepted by the Board.

SUPERVISORS' REQUESTS

A. Landscaping

Mr. Campkin reported some landscaping interfering with line-of-sight issues on the medians at the intersections. Some of the Jasmine bushes have grown high enough to obscure visibility, which presents a hazard for drivers. He suggested that these bushes be replaced with something smaller at the ends of the medians where the junctions are. Mr. Dorrill indicated that they will look at these areas and make sure that they are in compliance with the standard of 18 inches and take the necessary steps to insure safety.

Additionally the planted pots at the US 41 entrance are not looking good, and Mr. Dorrill noted that Mr. Ellis will check them and replace them if necessary.

B. Striping at Players Cove

White striping was added across the roadway from Players Cove to Players Club by an unknown person. The County painted over it, and was assured by Dorrill Management that they were unaware of who was responsible for it.

C. Commercial Parcels

Mr. Lee asked about the commercial parcels at the corner of Collier Boulevard and US 41, whether they were provided water by the District. Mr. Dorrill indicated that they were within the CDD, and they pay an equivalent based on a methodology report that preceded the creation of the District and is based on square footage.

PUBLIC COMMENT

Mr. **** asked when the next newsletter would be sent out, and was advised that the Board had agreed to put out a newsletter after the Sheriff's workshop in March.

Tom ***Virgle from Palomino asked if the lakes in Lely are regularly stocked or if they are naturally stocked, as the fishing has dropped off. Mr. Ellis advised him that besides the Carp, which are put in the lakes to help control the algae, they are naturally stocked. This gentleman also asked if the Board had considered placing benches along Lely Resort Boulevard, as there are many seniors in the District who enjoy walking but could use a bench perhaps every half mile. Mr. Dorrill noted that the Board is updated in April on the tentative budget for the next fiscal year, which would be a good time to evaluate that. The Board felt that this was a good idea.

In response to a question, Mr. Campkin indicated that a study had been done on the light at 41 and Grand Lely Boulevard in January, and hopefully the results will be available at the next meeting.

ADJOURNMENT

The Board will next meet on March 18th beginning with the Sheriff's workshop at 1:00, with the regular meeting following. **The meeting was then adjourned on a MOTION by Bill Lee and a second by Gerry Campkin at 2:37 p.m.**