

**LELY COMMUNITY DEVELOPMENT DISTRICT  
NAPLES, FLORIDA  
REGULAR MEETING OF THE BOARD OF SUPERVISORS  
SEPTEMBER 17, 2014**

A regular meeting of the Lely Community Development District Board of Supervisors was held on Wednesday, September 17, 2014 at 1:30 p.m. at the LCDD Maintenance Building.

**SUPERVISORS PRESENT:** Paul Sullivan, Chairman  
Harold Ousley, Vice-Chairman  
Robert Fisher, Treasurer (Via Speakerphone)  
Kenneth Drum, Secretary  
Gerry Campkin, Assistant Secretary and Supervisor

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

**INVOCATION/PLEDGE OF ALLEGIANCE**

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

**ROLL CALL/APPROVAL OF AGENDA**

All Board members were noted to be in attendance, with Mr. Fisher appearing via speakerphone.

The following items were added to the Agenda: 5A, Litigation Discussion; 5B, Mining Issues; 5C, Totals on accident; 7A, Speed Indicator on Lely Island Circle, and 7B, Follow up on Lake Policy.

**A MOTION was then made by Robert Fisher, seconded by Harold Ousley and unanimously approved to accept the Agenda as amended.**

**APPROVAL OF MINUTES OF AUGUST 20, 2014 MEETING**

**On a MOTION by Harold Ousley and a second by Gerry Campkin, the August 20 regular meeting minutes were unanimously approved by the Board.**

**MANAGER'S REPORT**

**A. Plant Survey**

Mr. Campkin did a survey with staff on some of the littoral and aquatic plantings as well as the problems with torpedo grass. It rained heavily on the day they were out surveying so the surface problems were not readily noticeable at that time, although the problem with algae is again present. Several problems exist, and it will be determined what can be treated now. Mr. Campkin and Mr. Ellis will look at the lakes again to make these decisions.

A new product to fight this problem is being tested by Mr. Ellis, and there are good results, although it takes some time to act. Mr. Dorrill added that there is much more of a problem with algae now than there was several years ago as the landscaping increases with development and the use of fertilizer increases along with it.

**B. Street Light Renovations**

The decorative street lights at Lely are in far worse shape than the Board realized when they discussed them the previous month, and while they were repainted several years ago, the concrete bases they sit on are crumbling and could possibly present an electrical hazard. Mr. Ellis reported at this point that one did short out recently. With the Board's approval, Mr. Dorrill and staff will do some additional follow up, and he suggested as well that the Board have a combined workshop in the fall to look at what the state of the art is with respect to these streetlights as they are owned by the District.

There is \$200,000 in the current capital improvement program as part of a \$1,200,000 total budget for streetlights over the course of five to ten years. The useful life of the big concrete lights on the books is approximately 40 years, while the smaller, decorative ones need attention now. Mr. Bryant agreed that it was important to address this issue, as they could present a hazard to the public, and are scattered throughout the District.

Mr. Drum suggested that the power be cut off to the lights that are a danger, and Mr. Campkin agreed.

**C. Banners**

Mr. Dorrill indicated that Mr. Carter had the banners put up on the big poles, and more will be installed on the poles on Wildflower.

**ATTORNEY’S REPORT**

A. Stock Litigation

The litigation continues to move along, depositions are being taken, and mediation is set for October 6<sup>th</sup>.

B. Mining Operation

In talking to the Code Enforcement contact at the County, Mr. Bryant was told that there was an ordinance passed by the County Commissioners that allows Stock to dig up to 100,000 cubic yards of fill out of that operation and to use this dirt on any of his own projects or to sell it. Mr. Bryant suggested that it may be appropriate to find out exactly how much dirt is actually being taken out and sold, as he doubted it was being monitored. Code Enforcement found that the site was in compliance with the Code slope requirements of four to one. Mr. Sullivan challenged that fact, noting that the back side of the dirt mounds did not appear to meet that requirement, and Mr. Dorrill agreed. Mr. Bryant will contact the Code Enforcement director once again and advise him of the Board’s concerns.

Mr. Bryant explained the methods used to calculate yards with dirt piles, which could be determined by the District engineer by the size of the hole and its slope. Mr. Dorrill added that Stock would also be limited by the County’s excavation ordinance which would limit the depth of the hole. There is an additional mining operation taking place on Rattlesnake and Grand Lely. There are safety issues involved, and Mr. Bryant will follow up on this issue.

Mr. Campkin added that there continues to be ongoing problems with dirt clogging drains and covering roadways, and this will be addressed as well. Mr. Bryant will also keep up with what Stock is planning as a development for this area and will keep the Board advised.

C. Motorized Tractor Damage

Mr. Bryant spoke to the District insurance carrier, who has heard nothing from the carrier for the woman who caused the damage. The Mule is a total loss and was valued at over \$10,000. Mr. Bryant will write the carrier for the woman who hit the mule and its driver and ask them to submit a check or else he will file a lawsuit for those damages. Both Mr. Bryant and the District’s carrier, Progressive, have been unable to reach the other insurance company, and their calls are not being returned. The medical costs for the employee who was in the Mule and was injured will also be recouped from this insurance company.

**On a MOTION by Robert Fisher and a second by Harold Ousley, Mr. Bryant was unanimously authorized to write the insurance company for the woman who did the damage and advise them that if they do not respond within 20 days, a lawsuit will be filed against them.**

#### **FINANCIALS**

The ten month financials were provided to the Board members, which showed \$2,000,000 in cash in two different accounts. Following the Board's direction the previous month, an additional \$200,000 was moved into the Capital Reserve, which will show up in the August financials. There were \$200,000 in payables shown, the majority of which was a payment to Labelle Well Drilling. The overall balance sheet continues to be very positive.

The income statement showed that one final distribution from the tax collector was received in the amount of \$2,000, which was probably a deferred payment from the certificate sale. Year-to-date tax assessments are at 96.7 percent, and total revenues year-to-date are \$5,000 over budget, but the fourth quarter CSA fee has yet to be received, which will put total revenues for the year over budget.

On the expense side, Mr. Dorrill pointed out that field management on the landscape line item was a little over budget year-to-date, and he felt it was probably a coding error, but he will follow up on that. He will also check the year-to-date variance on electrical consumption as part of the irrigation system. Overall, however, total year-to-date expenses were about \$35,000 under budget on the operating side.

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

#### **SUPERVISORS REQUESTS**

##### A. Speed Indicator

Mr. Ousley had two homeowners on Lely Island Circle approach him on the possibility of having a small speed indicator installed as there is a problem with cars traveling approximately 40 to 60 miles an hour on that roadway. Mr. Drum agreed that there was a speeding problem there, and Mr. Dorrill suggested that the speed indicator would cost around \$10,000 with all of the attendance costs. There is a solar powered speed indicator available, which would cost about \$7,000. Mr. Dorrill will pull the information he has on these items and bring them to the Board

at the next meeting. He added that he would like to bring the Sheriff's portable unit in, as it has a recording unit which will record all traffic over a 24 hour period for an average speed as well as the highest and lowest speeds. The Board agreed that this would be done at the end of October or early November and Mr. Dorrill will follow up on this as well.

B. November Meeting

Mr. Drum indicated that he would not be in town for the November meeting and asked to appear via speakerphone. **On a MOTION by Harold Ousley and a second by Robert Fisher, Mr. Drum's appearance in November via speakerphone due to extraordinary circumstances was unanimously approved.**

**PUBLIC COMMENT**

A member of the public asked if there was ever a raise and salary structure analysis done for employees, and Mr. Dorrill indicated that there was not, but the County does hold one every year to two years, and a copy could be obtained for comparison to the District's pay scales. In response to Mr. Drum's question about how often a position is open at the District, Mr. Dorrill indicated that there are positions open all the time at the groundskeeper level, at an entrance level salary of \$10.00, and he will get a copy of the County's analysis. As Mr. Fisher will not be able to attend the October meeting in person, **a MOTION was then made by Harold Ousley and seconded by Gerry Campkin to allow Mr. Fisher to attend that meeting via speakerphone due to extraordinary circumstances, and was unanimously approved.**

**ADJOURNMENT**

The October meeting will be held on the 15<sup>th</sup>, and a workshop will be held at the November meeting on the lighting at Lely. **The meeting was then adjourned at 2:15 p.m. on a MOTION and a second.**