

**LELY COMMUNITY DEVELOPMENT DISTRICT  
NAPLES, FLORIDA  
REGULAR MEETING OF THE BOARD OF SUPERVISORS  
JANUARY 14, 2015**

A regular meeting of the Lely Community Development District Board of Supervisors was held on Wednesday, January 14, 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. Ousley, and the invocation was offered by Mr. Dorrill. The Board then recited the Pledge in unison.

**ROLL CALL/APPROVAL OF AGENDA**

Mr. Fisher opened the meeting, and all Board members were noted to be in attendance. The following items were added to the Agenda: 5A, Master Association Claim; 5B, Workshop Schedule; 7A, Traffic Light Update; 7B, Engineering Meeting; 7C, Speed Indicator; 7D, Collier Boulevard Commercial Building; 7E, Christmas Gifts for staff.

**On a MOTION by William Lee and a second by Harold Ousley, the Agenda was then unanimously approved as amended.**

**APPROVAL OF MINUTES**

Mr. Lee's name should be corrected in the areas it was misspelled in the minutes. On Page 2 under Manager's Report, Mr. Toro's first name is Sal. Also as it relates to Mr. Toro, before his retirement he was a business agent rather than a businessman in Massachusetts.

On Page 6, the first name under Public Comment was also Sal Toro.

**With those corrections the December Regular meeting minutes were unanimously approved on a MOTION by Gerry Campkin and a second by Bill Lee.**

### **MANAGER’S REPORT**

#### **A. Results of Surplus Property Auction**

The original forecast for the proceeds of the surplus property auction this year was \$15,000, and almost \$30,000 was realized. Mr. Ellis was thanked for handling the logistics and making sure the equipment being auctioned was in good shape. In response to Mr. Lee’s question, Mr. Ellis indicated that the turnover on equipment is about every three years. Mr. Dorrill further advised him that he will verify the depreciation schedule for him on these items, and the big mowers and utility vehicles are on a 36 month replacement schedule in the capital reserve and replacement budget.

To clarify, none of the equipment is leased but owned outright, and for at least seven years the District has paid for their equipment as it is needed.

**On a MOTION by Bill Lee and a second by Harold Ousley, the Board unanimously approved the authorization of the final disposition to the successful bidders and authorization for them to pick up their equipment.**

### **ATTORNEY’S REPORT**

#### **A. Workshop Dates**

The Sheriff’s Office is planning to offer a workshop in March, and Mr. Bryant asked the Board when they wished the annual newsletter to go out so this information can be included. The newsletter will go out in March.

The director for planning and growth management for Collier County, Nick Casalanguida, will be at the workshop in April. He has been asked to address both the issue of a traffic signal at US 41 and Lely Resort Boulevard as well as the improvement at the intersection of Collier Boulevard and US 41. Mr. Bryant has called the Florida Department of Transportation’s District Engineer’s office and is waiting for a return call from them regarding the light.

The Supervisor of Elections will address the Board in May about the upcoming presidential election in 2016, and also will talk about voting patterns in the area of Lely Resort and the surrounding areas.

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**B. Master HOA Complaint**

Mr. Bryant prepared a motion for the Court to approve the filing of the counterclaim against the Lely resort Master HOA. There is a provision in the Florida Rules of Civil Procedure, 1.179(e) that says as a defendant, if your counterclaim matures after you have filed your initial pleadings, with the Court's permission you can file a counterclaim against the plaintiff that you did not know you had a claim against. This is the situation the District finds itself in, as Mr. Bryant did not know that the Master HOA owed the Board \$231,419 until after the initial pleadings were filed. The Complaint against the HOA will be filed as an attachment to the motion.

Mr. Bryant has written to counsel for the Master Association asking him if he will stipulate to the filing of counterclaim, as the statutes allow. No answer has been received.

A discussion was held regarding the assessments collected by the Master HOA from all the residents of Lely, and Mr. Bryant explained that only the residents who are within the CSA owe the \$231,419, as those numbers were undercounted by the Master HOA, as he stated in the counterclaim.

Mr. Campkin suggested that Lely is approaching the point of build out where the residents will take over the Master HOA. Mr. Bryant indicated that the density number was established by the DRI and the PUD, and those two instruments must be challenged to determine the true number. He will research this for the Board, as it must be determined what that number is.

Mr. Fisher thanked Mr. Bryant personally and for the Board for all the work he had put into this issue for them.

**FINANCIALS**

The month ending November financials were provided to the Board, and showed almost \$2.2 million in cash on the balance sheet and an increase in the reserves to \$700,000 as a result of the transfer made in the month of November.

The income statement showed \$870,000 received from the tax collector, and the fourth calendar quarter CSA payment was booked in November as well of \$185,000, which is \$17,500 over the budget forecast due to accelerate sales, primarily in Lakoya.

Aside from the cost of the audit and Worker's Comp, the total operating expenses at the end of two months was \$36,600 under budget.

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Some new pumps were purchased in November as well as some new vehicles in anticipation of the auction, which amounted to \$100,000 on these planned, budgeted capital expenses.

Mr. Drum asked about the \$639.71 under the pension fund on the balance sheet, and if there was any way to clean that up. Mr. Dorrill stated that this number is the pension of a former employee and will never be claimed. The process to get it off the books is an involved one and involves ultimately surrendering the money to the State, and Mr. Dorrill indicated that he would check with the auditor before the next meeting to see if this should be done.

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

**SUPERVISORS REQUESTS**

**A. Meeting Re: Traffic Issue at 41**

Mr. Campkin updated the Board on the meeting held at the Players Club which was attended by Mrs. Fiala and Mrs. Passidomo as well as County and State Transportation Department representatives. The basic idea was what the Board has been working on, for a signal light at US 41. A 24 hour traffic study will be conducted during the month of January, which will be analyzed and a report prepared by the end of February. This group will reconvene once the results of the study are received.

The State representative indicated that the number of accidents would increase with a traffic light, and the County representative agreed, as the vast number of traffic accidents are rear end crashes.

Mr. Bryant advised the Board that he has asked the Sheriff to comment on traffic enforcement within Lely and the surrounding areas when he attends the workshop in March, keeping in mind the fatality that recently occurred.

**B. Waldrop Engineering Meeting**

This meeting held the previous evening was to discuss the parcel of land at 41 and Collier Boulevard. Mr. Bryant added that as there is a cap of 20,000 square feet on any particular unit, one of the changes they wish to make is to increase that to basically no cap, and keep the maximum cap for the whole side at 100,000 square feet, and under that change they could build one 100,000 square foot building. The biggest issue is the ingress and egress which are inadequate for that parcel. It appears that traffic has increased this year as well, which is significant.

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C. Speed Indicator

In response to Mr. Ousley's inquiry on when this will be set up, Mr. Carter indicated that he had spoken with the Sylee Gibson at the Sheriff's Office in December and was advised that they would have it at the end of January or the beginning of February. Mr. Carter followed up with her the previous day, and they are still on track for delivery at that time. Mr. Carter also indicated to Corporal Gibson that when the machine is to be delivered, they will set a date and time to meet on that site and they will have it placed as close to the empty lot as possible.

D. Northwest Corner by Classics

Mr. Lee asked Mr. Ellis about the rails that had been removed to put the driveway in, noting that others have been taped as well. He asked about the underground lighting that was there, and Mr. Ellis indicated that it will come out as well, as they have to go down two feet to lay the bedrock for the road. Mr. Gelder has indicated that the sales office will be moved, so construction can begin on the corner. A parcel has also been sold to Five Guys Restaurant off of Grand Lely and Collier Boulevard.

Mr. Gelder also told Mr. Lee that a turning lane would be put into the lot at Collier Boulevard, and mentioned the lawsuit that Stock has with the Classics regarding their road, and the easement that Stock claims they have. The Board members briefly discussed the placement of the horses which originally were to be put on either the corner of Grand Lely and Lely Resort Boulevard or in the roundabout, and that litigation may impact their placement. Mr. Bryant felt that they will ultimately end up across from the Classics.

Mr. Lee also asked if the dog park was inside the District, and was advised that it was not. He then asked if they were paying for the watering they do, and Mr. Bryant will look into that.

E. Christmas Gift

Mr. Fisher suggested that a Christmas bonus be given to Mr. Bryant and Mr. Dorrill, and the Board agreed. **On a MOTION by Harold Ousley and a second by Mr. Lee, Mr. Bryant and Mr. Dorrill will each receive a \$500 bonus on a unanimous vote of the Board.**

**PUBLIC COMMENT**

There were no comments received from the public.

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**ADJOURNMENT**

Mr. Dorrill reminded the Board that the February meeting would be held on the 18<sup>th</sup>, with a workshop at 1:00, followed by the regular meeting at 1:30.

Mr. Drum asked for permission to attend the meeting by speakerphone if necessary as he may be out of town.

**On a MOTION by Harold Ousley and a second by Robert Fisher, Mr. Drum was given permission to attend the meeting via speakerphone due to exceptional circumstances if the necessity arises on a unanimous vote of the Board.**

**The meeting was then adjourned on a MOTION by Gerry Campkin and a second by Bill Lee at 3:01 p.m.**