

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

The regular meeting of the Lely Community Development District Board of Supervisors was held on Wednesday, December 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  
Robert Fisher, Legal Aide

**ALSO PRESENT:**

W. Neil Dorrill, Dorrill Management Group, Manager  
Assistant Secretary /Treasurer  
David Bryant, District Counsel  
Kevin Carter, Operations Manager

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT**

Mrs. Jo Ciliano of Lakoya indicated that there was a timing problem with the gates into their community, allowing more than one car in and out when they opened. Mr. Campkin advised her that as a private, gated community the gates were the responsibility of their own HOA. The resident added that there were seven sub-communities within Lakoya, and Mr. Bryant then indicated that the Master HOA should be advised of this problem as Stock maintains the gates. Mr. Campkin added that she should contact the manager of the Master HOA, Mr. Victor Cintron, who can be reached at the main number for Stock Development.

Mr. Lee advised her of what can be done to cure the problem, as many private gated communities have had the same timing issue.

Mr. Dennis \*\*\* from Masters Reserve spoke to the Board about the fishing and trespassing, and after reading the minutes of the previous year's meeting he understood the issues involved. He noted that there are residents, including himself, who have fished at Lely for years, and suggested that an approval form or list could be created where a resident can go to the office and sign a liability waiver and be allowed to fish.

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Mr. Campkin suggested that this item be placed under the Attorney's Report and readdressed at that time.

Mr. Ken \*\*\*Harr from Ole asked about speeding on Celeste Drive, where two incidents have occurred recently on the traffic circle caused by people driving too fast through it. He asked if signs similar to those at the Players Club be installed in this dangerous area to warn drivers of the upcoming circle and crosswalk, as well as helping to protect pedestrians. Mr. Harr added that more and more through traffic has been coming through this area, including big trucks. Secondly, this gentleman noted that the condition of the palm trees on both sides of Celeste Drive is not good, many of them are diseased, and there are also large gaps in the line of trees where they have died and not been replaced, and it is looking somewhat shabby. Mr. Campkin agreed that it was time to consider this area, and noted that it will be looked at.

Mr. \*\*\* advised the Board that the cut through for traffic at Lely Island Boulevard, Lely Island Estates and the Circle to the triangle is getting to be very bad, and living at the second house from the corner, this gentleman has a difficult time backing out of his driveway. Most people do not stop at the stop sign located there, and it seems that everyone is exceeding the speed limit. Mr. \*\*\* noted that he walks his dog four times a day, and even at 10:00 at night the roadway is like a racetrack and he fears that there will soon be a major traffic accident as there are many pedestrians and bike riders in this area. Mr. Campkin indicated that this is a County road, and is patrolled by police officers, and they can be advised to pay more attention to this particular road. However, there is not much more that the CDD can do about this problem.

Mr. Bryant felt that this should be brought up to the Sheriff who will be providing a workshop at Lely in March at the regular monthly meeting, and suggested that those residents concerned with this should attend that workshop to address the issue. Mr. Bryant further suggested that the resident could contact the Sheriff's Office on his own and explain the problem to them. Mr. Drum agreed that it was a major problem, and with season approaching, it will get worse. He indicated that he had spoken to the County Transportation Department but they are unwilling to do anything about this problem. He suggested that the Sheriff's deputies that are hired by Lely should be advised to sit on that area and begin to write tickets. The stop sign at Lely Island Boulevard is largely ignored, and law enforcement should be stationed there to start addressing the problems. The Board agreed that this should be done, and discussed where the best spots would be for the deputies to "set up shop" and monitor the traffic and speeding. Additionally, this will be addressed in March when the Sheriff attends the workshop.

The possibility of speed bumps in the area was raised, but fire trucks and ambulances do not wish to have them installed. Another resident asked if the road in that area could be made a

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one way road, and was advised that again this would be a County decision as those are County roads. Mr. Drum made this suggestion to the County, but they were not interested in this idea.

**ROLL CALL/APPROVAL OF AGENDA**

All supervisors were in attendance, and with the addition of items 2A, the swearing in of the new CDD supervisor; 2B, the Election of Officers; 7A, Next door Neighbors; 7B, Repaving of Lely island Circle; 7C, Safety at the intersection of Grand Lely and Collier Boulevard; 7D, Street Lights; 7E, Newsletter item; 7F, Irrigation discussion; 7G, Tree replacement on Celeste Drive; 7H, Methodology of Charges to businesses in the LCDD, and 7I, HOA Rental and the removal of the road work signs at the Players Club as the work has been completed, **the Agenda was then approved on a MOTION by Mr. Drum and a second by Mr. Ousley.**

Mr. Drum also wished to discuss the possibility of making the turning lane into Lely at 41 into a porkchop, and was advised by Mr. Lee that this would be done in March or April of 2017.

**SWEARING IN OF BOARD MEMBERS/ELECTION OF OFFICERS**

Mr. Campkin, \*\*\*Mr. Fisher and Mr. Drum were sworn in to serve another term on the LCDD Board by Mr. Dorrill.

Mr. Lee then suggested that he be elected Chairman, Mr. Fisher be elected Vice-Chairman and Legal Liaison, Mr. Ousley be elected Assistant Treasurer, Mr. Drum be elected as Secretary, and Mr. Dorrill as Assistant Secretary.

**Mr. Drum then moved to elect this Board by acclamation. The MOTION was seconded by Mr. Ousley, and unanimously approved.**

**APPROVAL OF MINUTES OF NOVEMBER 2016 MEETING**

On Page 2 relating to the October Patrol Reports, Mr. Campkin noted that it indicated that citations were given for speeding and reckless driving, as well as 63 traffic stops, which shows that the deputies are actively patrolling the roadways.

On Page 5, the spelling of Mastech was correct as noted.

On Page 10, in the last paragraph of public comment, the gentleman's name was Mr. Frost who made the comment about the snails clogging the irrigation lines.

**With those comments and addition, the November meeting minutes were unanimously approved on a MOTION by Mr. Drum and a second by Mr. Ousley.**

**MANAGER’S REPORT**

A. November Sheriff and Community Patrol Reports

The summary of the security and access activity was provided to the Board for November. There were a total of 54 traffic stops involving speeding, stop sign violations, no proof of insurance or correct registration, careless and reckless driving and two citations and notices to appear for speeding, no valid headlights, license violation and stop sign violation. No arrests were made for the month of November.

The CDD patrols made five calls for assistance as there were several suspicious incidents which were documented or referred per the process that is in place. There were 12 requests related to fishing activity that the CDD patrols either responded to or assisted in.

Mr. Dorrill noted that eight four-hour shifts are currently budgeted with the Sheriff’s Department per month and are coordinated on irregular times and days so that there are no patterns that could be noted. He suggested that the Board explore the availability of the Sheriff’s Office for additional hours during peak season, and the Board agreed with this.

**On a MOTION by Mr. Drum and a second by Mr. Ousley, the Board unanimously agreed that Mr. Dorrill should explore with the Sheriff’s Office the addition of two additional four hour shifts per month.**

Mr. Campkin noted that there is an unmarked car from the Sheriff’s Office making rounds as well, which is actually helpful.

B. Discussion of Lake Bank Maintenance

This item was noted to be informational, and Mr. Dorrill advised the Board that a capital workshop will be held in advance of the budget cycle. Increasingly over the past year there have been complaints about lake bank erosion, and while currently there is no policy in place and no money in reserves for this issue, staff is going to survey some of the original Phases 1, 2 and 3 communities in Lely to measure the drop offs near the end of the sodded areas on the lakes. This information will be provided to the Board and can be addressed further at the Board’s discretion during the early spring budget discussions.

In response to Mr. Drum’s question, Mr. Dorrill explained the three alternatives for lake bank restoration, which include Geotube, which are large sand and sediment filled tubes and placed along the eroded banks. Geomats are also used, and another alternative would be riprap, used in very limited circumstances, as it is very expensive and requires permitting as the SFWMD does not like to see a lot of this used as it destroys the littoral plantings that are also used to help prevent erosion.

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**C. Update on Second Lely Freedom Horses Memorial**

As discussed the previous month, the CDD engineer did go and do an evaluation of the structural and wind load integrity of the monument, and will be provided a written report to the Board on his findings. The horses themselves are in solid concrete, sitting on a stainless steel frame, and can withstand winds up to 120 mph.

Mr. Dorrill will also have Mr. Bryant help him prepare a bill of sale with Stock for the hardscape, as the horses have been appraised at \$200,000 apiece. Now that they are on permanent display, the asset associated with the hardscape and landscaping should have a bill of sale which can be recorded. As soon as the work is finished, the horses and their location will be added to the insurance schedule of assets. Mr. Bryant has discussed the bill of sale with Stock, who is discussing it internally at this point. Once Mr. Bryant hears from them, he will bring their response back to the Board. Mr. Bryant will also definitely determine who owns the dirt that the horses sit on.

**D. New Security Camera Update**

Several replacements have been made to the security hardware in addition to new software, cameras and a new microcomputer. All images are digitized and no tapes are involved, and the Board has been concerned for some time about having video protection not only at the horses, but also the maintenance compound as well as the master pump station. This work has been finished and the new cameras are in place for these areas.

As it relates to new horses, Mr. Carter noted that they had met with the vendor who did the original horse monument camera, and he is preparing a quote for the Board while doing research with Comcast on their ability to transfer the signals.

**ATTORNEY'S REPORT**

**A. March Workshop**

Mr. Bryant received a response to his letter to the Sheriff regarding the March workshop, and Sheriff Rambosk has agreed to attend. A follow-up letter will be sent reconfirming the March date and advising the Sheriff of the residents' concern about the speeding at Lely Island Circle so this can be addressed as well.

**B. Meeting with Mr. Wilkerson**

Mr. Bryant met with David Wilkerson, the head of Planning, Growth Management the Building Department and Transportation, and he has agreed to have a workshop for the Board in April.

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Mr. Wilkerson will have information on what is going on in the District and the County as far as development and roads.

**C. New Freedom Horses Bill of Sale, Parking Issues**

As he noted earlier, Mr. Bryant has also discussed the issue of a bill of sale with Stock for the hardscape, and the Board was also provided a copy of a letter from Stock's attorneys regarding parking and access for the monument. Their main concern was creating anything that would increase their liability with pedestrian traffic, and Mr. Bryant appreciated that.

Mr. Bryant will bring Stock's response to the bill of sale issue to the Board, and in January when the final mediation meeting should be held, it is hoped that all these other issues will be handled as well.

**D. Fishing Issues**

Mr. Bryant addressed the concerns of a Lely resident regarding his fishing for several years in Lely lakes and his desire to continue to do so. The Board continues to be concerned about liability as there are a number of alligators in the Lely ponds and lakes. The Board felt that the most prudent way to handle this issue was to prohibit trespassing in the lake areas.

Mr. Bryant will, however, consider a way that a resident could fish; however, at the present time there is no way for them to do this.

The Board will have to make the decision as to whether residents can fish, and once they approve it, liability for them is created. Mr. Bryant felt that the overriding issue concerning fishing in the lakes is going to be how much liability the Board wishes to take on.

The gentleman who raised this issue indicated that he was speaking about open areas for fishing, not in Tiger Island Estates' lakes or any other residential lakes, and he hoped the Board would consider some way for the residents to continue to fish in certain open lakes in Lely.

**FINANCIALS**

The first month financials were provided to the Board, and Mr. Dorrill pointed out a few noteworthy items, including the fact that at this point the cash on hand is usually at its lowest point of the year, at almost \$2,000,000 against \$167,000 in payables. \$1,130,000 of that money is in reserves. There is an assessment that is shown as a receivable, which Mr. Dorrill felt was attributable to people who pay their taxes quarterly. They are checking on this amount with the tax collector's Ad Valorem Department to verify the receipt of what would have been a first quarter payment.

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The income statement showed that some non ad valorem assessments did roll in during the course of the first month of the fiscal year, which was a function of people paying early quarterly payments, or those who paid upon receipt of their trim notice. Next month the Board will see almost 60 percent of the tax revenue due to people taking advantage of the 4 percent discount.

Aside from the seasonal adjustments or the front loaded payments, such as insurance premiums, there was an anomaly that Mr. Dorrill pointed out to the Board under street lights, as there was a fairly substantial repair that occurred on Wildflower after a power surge blew a transformer. Those lights are owned by Lely, and the repair was approximately \$8,000. Despite all these items, the total first month operating expenses was about \$74,000 under budget.

**The first month financials were then unanimously accepted by the Board on a MOTION by Mr. Lee and a second by Mr. Ousley.**

**SUPERVISORS' REQUESTS**

A. Lely Next Door Neighbors Website

Mr. Drum noted that the history of this organization was loaded with a lot of misinformation and irrelevancy, but the Chairman of the Lely Board has taken on some of the responsibility of this organization, and Mr. Drum asked if he would comment on it.

Mr. Campkin agreed that there was a lot of misinformation, but the reason he joined was to monitor community information

B. Lely Island Circle Repaving

Mr. Drum noted that this roadway will be completely repaved in mid January of 2017. It was previously held up due to some drainage problems, but is going forward now. Door hanger notifications will be put on the residences along that roadway so people are aware of when the paving will start, which will probably take three days to complete.

Mr. Dorrill noted that the process is somewhat messy as the old asphalt will be milled off and the new asphalt put down, usually the next day. He added that the quality of work that the County is doing now is quite good.

C. Traffic Light

Mr. Drum has spoken to some people about the light at Grand Lely and Collier Boulevard where the fatal accident happened, and has taken a look at it himself. Apparently when the light

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changes people move out into the intersection to see if anything is coming so they can move on the arrow. Mr. Drum suggested that perhaps a caution sign can be installed before the intersection warning people that there is a stop light ahead. Additionally, perhaps a reduced speed could be posted going through the intersection. Another suggestion would be to use a longer delay so that if people do run the light, there are no cars out there checking to see if anyone is coming that could get hit.

Mr. Drum did notice that heading south in the late afternoon the sun hangs over the southbound signal and makes it hard to see. He suggested that the lights themselves be increased in size at that intersection so they can be more easily seen.

Mr. Dorrill noted that Mr. Wilkerson from the Transportation Department will be present in April for a workshop. He added that he was at a recent meeting with some of the Department engineers and planners, and perhaps a pre meeting could be held with those gentlemen to ask them to be prepared to make a presentation on some specific concerns of the Board, including these issues Mr. Drum mentioned above. Mr. Dorrill will follow up on this.

#### D. Library Room Rental

Mr. Drum was advised of a new rule when he went to rent a room at the library, that it has to be done 30 days prior to a meeting. This presents a problem for the HOA as there is a 30 day requirement for notification. Mr. Drum asked if Mr. Dorrill could write a letter to the library explaining the issue of notification to the public. Mr. Dorrill will see that it is done.

#### E. Street Lights

Mr. Lee indicated that the County is in the process of replacing all of their street lights with LED lighting, which while more expensive, last longer, are brighter, and non reflective. He suggested that rather than fixing the lights in Lely that are broken that they should begin to transfer them over to LED lighting. When the entryways were redone at Lely LED lighting was used and it has enhanced the entry a great deal.

Mr. Dorrill suggested then that the main interest would be for staff to explore the same type of lighting on Grand Lely and Triangle and others. Mr. Dorrill will make sure that this is looked into.

#### F. Addition to Newsletter

Mr. Ousley noted that several years ago he prepared a list of CDDs in Collier County and what their assessments were, and Lely was the best of 13 districts. He suggested that this should be

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redone, and asked Mr. Dorrill if their office could do this and have it put in the annual newsletter.

#### G. Irrigation

This item was discussed the previous month, and a picture of a sprinkler head, located after the snail trap, one month after it was cleaned, was shown to the Board. The material inside looks and feels like sap, and Mr. Campkin reported that they have to clean the heads regularly as they fill up with this material very quickly, and he felt that further action will have to be taken on this problem.

Mr. Dorrill noted that it had been at least five years since an evaluation was done on this issue and he suggested that the civil engineer be contacted or the major pump supplier to determine what the cost of filters would be at this time. Mr. Dorrill added if it would be good to know if there are isolated areas or neighborhoods that seem to have a chronic problem with these snails, and perhaps some large cartridge filters could be installed at the head end of these areas. Mr. Dorrill will ask the engineer to evaluate the situation for the Board.

#### H. Tree Replacement

Mr. Campkin brought up the issue of the gentleman who asked about replacing the palms along Celeste Drive, as many are diseased and there are gaps where many have died. Mr. Dorrill noted that he and Mr. Carter had been discussing this recently, and stated that the Queen Palms located along Celeste are a very inferior type of tree as they are cheap and they grow fast. About five years ago, this tree became very susceptible to a fungus disease, which Mr. Campkin noted was returning. Queen Palms are no longer used for replacements at Lely. Mr. Dorrill added that the trees are so diminished along Celeste Drive that the Board may want to evaluate taking out stretches of these palms, and when the issue came up previously the Board liked the idea of replacing them with large live oak trees as they are native to Florida and both cold and drought resistant, and somewhat hurricane proof compared to other big canopy trees in Lely. Mr. Dorrill suggested that staff take some pictures of what the Queen Palms now look like.

Mr. Drum advised that the Live Oaks that the County required to be installed 20 years ago are now mature trees and are pushing up the sidewalks and the maintenance required is extensive. Mr. Drum agreed that the Queens needed to be replaced, but suggested that another tree be used with less maintenance. Mr. Dorrill suggested Florida Holly Trees or a certain variety of Magnolia that does well in the area would be good alternatives.

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Pictures will be taken, and the landscape architect may be consulted with to advise which tree would be the best for the area.

Mr. Campkin indicated that a survey was done some time ago where suggestions were made for trees that could be used, and Mr. Bryant indicated that this was when the Board was evaluating putting a walkway down the median of Lely Resort Boulevard.

#### I. Payments for Commercial Parcels within the CDD Methodology

Mr. Campkin indicated that it was his understanding that these parcels were rated back in 1992, and asked if there had been a change, and how that was determined. Mr. Dorrill noted that he referred to it as a methodology, and the law requires that at the time a CDD is created and bonds are contemplated, the future landowner must be advised in advance when they purchase a condominium unit or a single family or commercial parcel, what portion of the debt they will be responsible for, and going forward, when the debt is defeased and the bond is retired, what would a person's perceived benefit be from paying the operating and maintenance costs.

As it relates to the Players Club, Mr. Campkin had asked Mr. Dorrill what the original number of residential equivalency benefit was that was put on that parcel, and now that the Club is a going concern and generates a lot of traffic, and in turn benefits that parcel, could it be raised from 18 to 36, and assigned 36 residential units of benefit to them.

Mr. Dorrill noted that there is a body of law that Mr. Bryant would have to look at, called the Florida Uniform Rate of Assessment. If you are going to apply an assessment there is a process that needs to be gone through. If the Board is interested, some legal research would have to be done on how this Statute works and the type of engineering analysis that would be required if they want to revise the methodology that was done back in 1992 under completely different market conditions and circumstances that exist now in 2016. The entire commercial parcel is paying their equivalent benefit into the CDD and was all part of the original CDD boundary. In response to a question about the assessment, Mr. Dorrill indicated that they have a sub-consultant who annually administers the assessment roll and submits it electronically to the property appraiser who then merges it with the tax collector onto the bill that the residents receive. Mr. Dorrill suggested that if they Board wished them to, he and Mr. Bryant will look into this and bring the information to them.

#### **PUBLIC COMMENT**

A resident indicated that he had read the Rules and Regulations of the Master Association, and  
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it says in that document that residents have the right of easement to enjoy the common areas, and there is also an amendment to the Rules and Regulations specifically spelling out what the common areas are. His question was how the Board was able to tell the residents that they cannot fish. Mr. Bryant indicated that the way it was done is the Board made a policy decision to not allow fishing, and it has not been challenged.

A no trespassing agreement has been signed with the sheriff, and Mr. Bryant noted that the whole key was the safety and security of the residents versus a minority of them who wished to fish. Mr. Campkin added that he did not know where the Master Association's common areas were, but Mr. Drum felt that the CDD had a higher decision making status. Mr. Dorrill noted that in many cases the only thing the CDD has is an easement that gives it the ability to walk around a lake or launch a boat to do maintenance, and the Board and Mr. Bryant had a concern at that time that if someone is in an easement that only conveys maintenance as opposed to recreational rights, that it would put the District and the lake owners in a liability position. He added that he does not think that the HOA owns any common areas.

The gentleman from Olay asked the Board to please consider his concerns about the speeding in the traffic circle by the center of Olay, and put in some better signage on the crosswalk as was done at the Players Club. Mr. Campkin indicated that the County had done that signage, and it will be brought up to Mr. Wilkerson when he addresses the Board at the planned workshop.

Additionally, this gentleman noted the intersection at Grand Lely and Collier Boulevard is a very confusing one. For instance, the left turn signal on Grand Lely Drive has a red light to the left of it and confuses some people. They approach it cautiously and that encourages people on Collier to run the light occasionally. He suggested that if a crosswalk is put in, that might slow drivers down.

#### **ADJOURNMENT**

The January meeting will be held on the 18<sup>th</sup>, and there is a slight possibility that Mr. Dorrill may have to be in North Carolina as his mother requires some medical care. He anticipates being back in Naples in time, but will participate by phone if necessary.

**On a MOTION by Mr. Drum and a second by Mr. Lee, the meeting was adjourned at 2:57 p.m.**