

**LELY COMMUNITY DEVELOPMENT DISTRICT
NAPLES, FLORIDA
REGULAR MEETING OF THE BOARD OF SUPERVISORS
APRIL 18, 2018**

The regular meeting of the Lely Community Development District Board of Directors was held on Wednesday, April 18, 2018 at 1:45 p.m. at the LCDD Maintenance Building.

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

ALSO PRESENT: Neil Dorrill, Dorrill Management Group, Assistant Secretary
Kevin Carter, Dorrill Management Group
Tony Pires, District Counsel
Freddy Bowers, Operations Manager
Terry Cole, District Engineer

INVOCATION/PLEDGE OF ALLEGIANCE

Mr. Dorrill offered an invocation, and the Pledge of Allegiance was recited in unison by the Board.

PUBLIC COMMENT

Mrs. Voss from *** thanked Mr. Carter for (inaudible section)

Wayne ** Benson from Lakoya noted that he was here to ask the Board to allow an emergency generator to be placed in their side yard of their home. Mr. Dorrill indicated that this discussion was held the previous month and tabled. The District has an important drainage easement that runs between this gentleman's house and the one to his right. In order to install the generator and underground propane tank to meet the architectural requirements, it will encroach in the District's easement.

Mr. Pires indicated to the Board last month that there is an opportunity for the Board to give the resident an encroachment agreement for a limited license to be able to install the generator in the side yard. The Board had some conditions at that time, one being the resident's willingness to pay all legal and engineering costs associated with this. Mr. Lee noted

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that he and Mr. Carter went and looked at the area after the previous month's meeting, and found that there was a sewer pipe running between the houses, and asked if the gas line would run along the easement between the houses as well. Mr. *** Benson thought that the line would be attached to the main line that runs through the house and out at the main line in front of the garage.

Mr. Lee added that the easement agreement was signed after this resident's house was built as the pool pump and some other things were already on the easement. He did not see a problem with giving the okay on this additional encroachment, as long as the homeowner signs an agreement that gives the District the ability to do any repairs on that easement that may be required.

Mr. Campkin expressed concern over the fact that more and more of these requests may start coming in if this is allowed, and Mr. Drum indicated that he had already received a few more requests. He felt that in order to avoid chaos with this, a process should be put in place as people are not sure where they should go for approval, as the County is also involved.

Mr. Lee pointed out that there was already an easement agreement with this homeowner in place.

Mr. Dorrill then advised that Mr. Pires provide the Board with his suggested encroachment or license agreement so the obligations of the homeowner can be seen in writing. This agreement would be used only in the cases where there is a CDD drainage easement in the area. The CDD's engineer can go out and take a look at this side yard and confirm Mr. Lee's observations, but Mr. Dorrill was fairly sure that there is at least a 24 inch pipe carrying water down to the roadway.

Mr. Cole noted that Mr. Carter had asked him to take a look at this a few weeks ago, and indicated that there is a platted drainage easement in favor of the CDD in this vicinity. There is a 30 inch pipe about nine feet down, and he cautioned everyone that if it needed repair, that a pipe buried that deep with only 15 feet to work with could be costly. There are generator and air conditioning pads there, and there is a good chance that they could be impacted during a pipe repair. This is a risk for the homeowner, and Mr. Pire's agreement should address those issues.

Mr. Dorrill suggested that this item be listed under the Supervisor's Requests where a request can be made of Mr. Pires to bring back an agreement for this homeowner, and a discussion can be held about a process being put in place, as this may be the first of many such requests. In this case the pipe is probably only five years old, but in the future it may fail, and will require repair. Mr. Pires agreed that once the Board sees the form, a more formalized process can be

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put in place that would involve an application, an agreement to pay the fees which could require a deposit, then a review and a recommendation to the Board. The Board can then say yes or no as they deem appropriate on an ad hoc basis.

In response to Mr. Drum's question on how many easements the CDD has, Mr. Dorrill advised that there is an easement for every inlet and catch basin that conveys water down to a lake, and for the pipes that run lake to lake, and around the entire circumference of a lake. Overall the District has thousands of easements in the community. Mr. Dorrill then summarized the discussion as to what actions will be taken, and this item will be listed under the Supervisor's Requests for action to be taken.

***Denny Mains from Ole addressed the proposed re-landscaping on Celeste Drive, and wanted to emphasize to the Board that looking around Lely Resort, a theme can be seen, and Lely is a beautiful place. The Developer and the CDD have spent unnecessary money on Royal Palm lined streets, sculpture and beautiful landscaping which sets a tone and a theme at virtually every entrance into Lely Resort. There are 112 Royal Palms at the entrance where the horse monument is located, and there are 46 Royal Palms at the entrance off of 951. The other end of Lely has 15 Royal Palms at its entrance. Each major intersection has 15 or 16 additional tall Royal Palms. Lely Island Circle as you enter off of Triangle Boulevard is defined by 26 of these palms. All of these establish the theme and trademark of Lely Resort, and the many associations and homeowners along Celeste Drive feel it is important to maintain this landscaping theme on their roadway when re-landscaping. To plant low growing, more economic landscaping would be a disservice to the residents along Celeste, and contrary to the established theme of Lely Resort. The entrance to this area should have Royal Palms planted, as well as at the roundabout halfway down Celeste.

Bill *** from Legacy asked if the Board had any involvement in the speed limits that are set throughout the community, and Mr. Lee advised that a discussion on the results of the traffic study was on today's agenda. Mr. Dorrill added that the Board is involved indirectly, but does not have the power or authority to evaluate or impose speed limits. All of the main boulevards and arterial streets in the community are owned by Collier County, and while the CDD has a say, it does not have the authority to make any decisions on this issue.

This resident asked if some consideration could be given to the posted limits along Lely High School Drive. Mr. Lee advised that a traffic study was held on February 8 through the 15th for Wildflower Way, and there were a total of 14,627 vehicles for that week, or 1,625 vehicles per day. The average speed was 33.76 mph, the minimum speed was 10 and the maximum was 61. More discussion on this issue will be had under Supervisors' Requests.

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Mrs. *** asked the Board to advise the residents and HOA presidents once a determination is made as to what “phantom” lots and smaller areas the CDD plans to keep and maintain and if there are others that the various HOAs may want to maintain.

APPROVAL OF AGENDA

Mr. Ousley asked for a comparison of the fees for Arlington and the new apartments that were just put up, and Mr. Lee indicated that the apartments are roughly the same size as the Astor. The new apartments have drilled their own well and are providing their own water.

Mr. Lee added that there may be a request from Stock Plaza to hook onto the CDDs system as their water has heavy iron content and is staining the street scapes and sidewalks.

Item 7B was added as the Public Address System, 7C, the Monument at 41, and 7D, the Encroachment Agreement.

The Agenda was then unanimously approved on a MOTION by Mr. Ousley and a second by Mr. Campkin.

APPROVAL OF MINUTES OF MARCH 21, 2018 WORKSHOP AND REGULAR MEETING

On a MOTION by Mr. Ousley and a second by Mr. Campkin, the Workshop Minutes were unanimously approved by the Board.

As it relates to the Regular Meeting Minutes, on Page 3, the sixth line from the bottom, the title “Attorney General” should read “Auditor General”.

With that correction, the Regular Meeting Minutes were unanimously approved by the Board on a MOTION by Mr. Ousley and a second by Mr. Drum.

MANAGER’S REPORT

A. March Community Patrol

There were a total of 28 stops by the Sheriff’s Department, with 25 warnings and 3 citations being issued. There were no criminal arrests associated with those stops.

There were also 53 incidents reported by the District’s Community Patrol Program, three of which involved animals, including a seven-foot alligator in someone’s garage.

There was an increase in loitering, and residents were encouraged to contact Community Patrol or the Sheriff’s Department if they see any suspicious activity. There were six trespassing issues involving recreational fishing, Five of these individuals were non-residents. There were also nine vandalism or property damage reports such as mailboxes getting knocked down.

There were 13 gate related issues in addition to some suspicious activity, and assists with EMS

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and other traffic related incidents. This is the busy, peak season, so none of these items are unusual.

Mr. Drum noted that there were two incidents of people climbing on the Freedom Horses monument and on the rocks around them, and asked if this was unusual. Mr. Dorrill indicated that they had not had this occur in quite some time, and Mr. Drum stated that when they took over the Lely Horses they had about \$500,000 worth of damage as a result of people climbing on them. Since the security cameras were installed, there has been a big drop in this type of activity, but it is still seen occasionally. Mr. Bowers stated that a couple of times a month people get in the pool and climb up on the rock in front of the horses for a picture.

Mr. Lee also reported that the snakes are out; a resident's dog was bitten by a pygmy rattler recently, and he asked the residents to be aware of this and to be cautious.

B. Classics Entry Re-Landscaping

The Classics Community HOA is in the process of doing some substantial renovations to their entry, including some plantings that the District is responsible to maintain. Within the next month they will have a brick paver project and re-landscaping of that area underway. Part of that project involves the removal of a portion of a berm, and some of the dirt that will be taken out has been offered to the CDD to help replace some of the large holes left when the approximately 700 palm trees came down during the storm. The CDD will take advantage of this offer. There is a set of plans that Mr. Dorrill and Mr. Lee have seen, and if anyone on the Board is interested they are available.

C. Landscape Concept Plans

Mr. Carter is working with Ellen Goetz on re-landscaping concept plans for the Board. Mr. Dorrill has not yet seen them, but Mr. Carter indicated that Mrs. Goetz has been on site and is in the process of putting some ideas together. The only real direction she has been given from the CDD is that the linear Queen Palm approach that has been used extensively here is not acceptable to this Board. She is developing some grouping type proposals, and the Board can make a determination on these concept plans before the work is put out to bid. Most of the 700 palms that were lost were Queens and they will not be used going forward.

Mr. Lee asked what information they have from FEMA as to when a check will be received from them. FEMA approved Lely's requests, and sent it on to the State. The State requested some additional information, which surprised FEMA, but the additional information was provided, and Mr. Lee indicated that they hope to recover 80 to 90 percent of the \$140,000 spent.

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In Mr. Dorrill's opinion some of the requests from the State were somewhat unusual and difficult to chase down, and he thanked a Ms. Zimmerman at the County who went out of her way to get the information that was requested, including over 200 trip tickets issued to each dump truck driver carrying debris out of Lely. Mr. Dorrill added that they do have a very good case manager and that he hoped they were at the end of this process.

D. Notice from Sheriff's Office

Mr. Campkin wanted it noted that the Sheriff's Department included an announcement at the end of their April report indicating that they will not be doing the extra community patrols in Lely through the month of May due to extra patrols at the County schools which will require using all staff members.

E. FY 2019 Tentative Budget Update

Mr. Dorrill reminded the Board that he will be presenting the tentative budget to them at the May meeting as part of a workshop. This will be held on May 16.

ATTORNEY'S REPORT

Mr. Pires indicated that he had nothing further to report, and was continuing to work with Mr. Dorrill on the boundary issues with the District.

FINANCIALS

The February financials were provided to the Board, and showed \$2,895,000 in cash at the end of five months against \$185,000 in payables on the balance sheet. \$52,000 in non ad valorem assessments were received during the month of February, and the District is just a little over 94 percent of total anticipated revenues for the year that have been received.

Almost \$3,100 in interest was received for the month, as opposed to what was originally budgeted at \$5,000. Year-to-date the District has received almost three times the interest, and has received almost \$13,000 in interest for the first five months.

A supplemental payment of CSA Revenue was received, and the auction will be held the following month. Nine utility vehicles will be auction as well as one Ford F150.

The year to date summary for total operating expenses showed that during the first five months, thanks to the efforts of Mr. Carter, the District is about \$168,000 below budget.

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Revenues are within a half a percent of the original forecast, and expenses are well in hand as the District approaches mid-year.

The tentative budget, which Mr. Dorrill will present the following month, will include some midyear actuals for 2018.

On a MOTION by Mr. Ousley and a second by Mr. Campkin, the financials were then unanimously accepted by the Board.

SUPERVISORS' REQUESTS

A. Lely Traffic Committee Update

The Transportation Committee provided this update, at the initiative of Mr. Campkin. Mr. Campkin noted that both the Sheriff's Office and the County participated in this study, and they were looking specifically at the crossroads where the accident occurred and the crossroads where the Sam Snead was located. They came up with a recommendation (inaudible).

The average speed in these areas was close to what it should be, and the speed checking machine on Wildflower recorded a speed of 71 mph when the high school kids came through that afternoon. Apart from that, the traffic was fairly good.

The County Traffic Control is very short on money, and not much is going to get done between this point and the end of next year. It was suggested that the County Transportation Department be invited back to the District to present another workshop in October.

Line-of-sight issues continue to be a concern to some residents, and a lot of islands around Lely continue to present these problems. Mr. Campkin felt that this was a good time to be sure that whatever re-planting in these areas don't present the same problems. (Inaudible section)

A resident asked if a copy of the traffic study would be available on the website, and Mr. Campkin indicated that it would be sent out through the HOA presidents.

B. Public Address System

Mr. Carter advised that they had found a local company that installs these types of systems in these types of meeting rooms. They are proposing that six speakers be installed that are permanently set in the ceiling, and a receiver will be locked up in a closet or Mr. Carter's office. Wireless microphones will be installed at each of the seats, and the final quote for this should be received by the end of the week.

Mr. Dorrill noted that Mr. Carter has been searching for a fool proof system, and it is staff's intention to reserve this for the Board's public meetings. There are many boards and associations who wish to use the room for their meetings, and Mr. Dorrill felt that it was

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important to reserve this system for the Board's use so it will remain in good working order.

Mr. Lee felt that Mr. Carter should keep the scheduling calendar in his office, and that certain time parameters be put on the room's use, which should not include after 5:00 p.m. meetings due to security issues for the security patrol.

Mr. Pires had noted in his first meeting at Lely that the Board did need to adopt some administrative rules of procedures, and the availability of the maintenance building room should be addressed as soon as possible so there are no more scheduling conflicts and nighttime meetings.

C. Parking Lot Poles

Mr. Lee thanked Mr. Carter for getting the poles up at night to seal off the parking lot, and also for getting a new stop sign at the clubhouse. Apparently Lykens Signs has a lot next to their building where they are storing pole for street signs, delineated for each community in the County. There is a back up with sign installation, and another problem is getting trees to replace all those that were lost during the hurricane. It may be six months or longer before the actual installation of new trees begins.

D. Encroachment Agreement

Mr. Dorrill felt that it would be appropriate to direct himself and Mr. Pires to prepare a standard encroachment agreement, and Mr. Cole has already confirmed that there is a recorded easement in place there as well as an important pipe in that area. Mr. Dorrill felt that it was important to have Mr. Pires bring a document back that would enable the Board to make a determination of either approval or denial of the request.

The homeowners will be provided with a copy of the agreement in advance so they can have an opportunity to look at it.

A MOTION was then made by Mr. Ousley and seconded by Mr. Campkin to direct Mr. Pires to prepare the encroachment agreement and bring it back to the Board at the next meeting for approval or denial. The Motion passed unanimously.

E. Mr. Gelder's Workshop Report

The Board members agreed that this was going to be a very complicated issue. Mr. Campkin felt it was time to get away from the Master Association, and Mr. Drum agreed. It would be a great idea to take the Master Association over, but he was not sure if it would be possible. He felt that they needed a legal opinion to see what could be done.

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Mr. Dorrill noted that they had been given an inventory of these “phantom” parcels and other areas, and alluded to the one conservation area that had fully complied with all the development order permit requirements.

The issue concerning holiday lighting was not a problem to Mr. Dorrill, as he did not know why the Master Association would separately try to administer that. He did reiterate, however, that he had a concern about the conservation area in the lower right hand corner of the community that runs from Triangle Boulevard all the way up past Ole almost to the entrance to Tiger Island. This conservation area is a mess, and he did not want the District to be stuck with \$100,000 of exotic removal and a five year monitoring report.

Mr. Dorrill suggested that the CDD’s engineer be asked to evaluate what has been received from Mr. Gelder, and the Board can then pick and choose what they would like to take on.

Mr. Lee suggested that they have County Enforcement look at that area, as there is a great deal of concern with the fire season approaching. ***Denny Mains expressed his concern as well, feeling that the situation in the preserve could lead to a disaster.

Mr. Campkin indicated that at the last Master Association meeting the manager indicated that this preserve area was maintained twice a year to get the exotics out, but Mr. Campkin noted that he had never seen anyone in that preserve. Mr. Lee indicated that this area was the responsibility of the Lely Development Corporation.

Mr. Dorrill felt that the question at this time was whether there was consensus on the part of the Board to have staff evaluate further the information that was received from Mr. Gelder as well as the information compiled by Mr. Cole about the South Florida Water Management permits that need to be conveyed from a construction to an operating and maintenance status. Staff can bring back an inventory of these parcels that the Board can look through and decide which ones they wish to take over.

Mr. Ousley expressed his concern with the Master in the way things have been handled by them in the last 20 years, and wanted to make sure that the District was not saddled with any issues in taking over any of these properties. Mr. Pires advised that once the list is culled and the Board determines what they are willing to take over, those properties will be carefully checked as far as the title work and legal descriptions to make sure that there are no problems that the Board may be assuming.

Mr. Drum would like to take over the entire list to make sure everything was in proper shape, also realizing that the Master would pass on the maintenance costs of any parcels the Board does not take to the residents. Mr. Campkin added that at the end of the Master Association meeting he asked their Board how they were going to reimburse the residents for the funds

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paid to them by the District for the settlement of the lawsuit, and was advised that they were not going to return those funds to the residents, and that the money would be part of their budget.

Mr. Pires and Mr. Dorrill will go forward with the examination of the properties and bring that information back to the Board for its consideration.

PUBLIC COMMENT

Mrs. ***Parker asked how she could find out who has access to the easement beside her house, whether it is the District, the Master or the Lakoya neighborhood where she lives.

Mr. Dorrill indicated that there is a plat for that neighborhood, and if this resident has a survey for her home, that easement should be depicted on it. Otherwise, she can check the plat. Mr. Pires noted that there is an area for dedications on the plat which will show this information.

Mr. Cole had been asked by Mr. Carter to look into the turnover of the Water Management permit applications. Some of these were 15 years ago, and in looking at several of these tracts, they did some probing of about 50 catch basins to see how much silt they had in them. They saw no significant problems, and the report on that can be inserted in the Board's packet the following month under Miscellaneous Correspondence.

Mr. Cole further indicated that they found 11 catch basins that had three inches or more of silt, but none of them had more than six inches. He suggested that they may want to have these cleaned out at a cost of about \$175 per basin, and he would recommend that the Board consider doing that. The extra silt was in all probability due to Hurricane Irma.

Mr. Lee suggested that this is part of the County's new tax item, as they are seven years behind in checking these catch basins throughout the County. Mr. Dorrill has been working with the County in an effort to get a discount on this tax for the Lely CDD, which maintains its own stormwater system.

Mr. Pires advised that the County is presently setting up the mechanism for this tax, and then they will have to have a hearing to impose the special assessment, where they will have to show a benefit that would accrue to a resident's property, which can be objected to. Mr. Dorrill indicated that it is not likely to be on the 2019 tax bill.

Mr. *** asked if along with the catch basins, the drains in Ole and along Celeste Drive could also be cleaned out, one of which has 15 inches of silt. Mr. Lee indicated that they can add it on to the work if it is their responsibility, but if it's the Masters, they cannot. If Ole wishes to pay for it, it can be done while the contractor is at Lely, with a separate contract.

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ADJOURNMENT

With the reminder that the next meeting would be held on May 16th with a budget workshop scheduled at 1:00 with the meeting to follow at approximately 1:30.

The meeting was then adjourned at 3:00 p.m.