

Lely Civic Association Board Meeting Minutes

Date: January 21, 2025

**Place: Kemp Hall at Lely Presbyterian Church,
110 St. Andrews Blvd, Naples, FL 34113**

MEETING MINUTES

Call for speaker sign-up: Prior to the start of the meeting members had an opportunity to sign up to speak regarding any item on the agenda. maximum of three minutes per item.

• **Certification of the Presence of a Quorum & Proof of Notice** – Board Quorum was achieved. Signs were displayed throughout the community more than 3 days prior to the meeting, and it was placed on the website 48 hours prior to the meeting.

Name	Position	Status
Laura Mann	President Pinehurst Estates	Absent
Charles Schnell	Vice President Pinehurst Estates	Present
John Clifford	Treasurer Unit 1	Present
Ellen Clifford	Secretary St Andrews West Forest Hills	Present
Linda Jorgensen		Present
Joyce Erickson	Forest Hills	Absent
Lisa McGarity	Forest Hills	Present
Nancy Wojcik	Saint Andrews East	Absent
Tom Connolly	Saint Andrews East	Present
Daniel Denis	Saint Andrews West	Present
Todd Schilling	Saint Andrews West	Absent
Carolyn Messere	Unit 1	Present
Tillie Mihalovich	Unit 1	Absent
Thomas Smith	Unit 2	Present
Maya-Ashley Francois	CAM, Anchor Associates	Present

Call Meeting to Order: Chuck standing in for Laura called the meeting to order at 6:05 PM

• **Minutes of Prior Meetings:** John moved to waive the reading of the of the December 17 meeting minutes as documented and accept. Tom Connolly seconded the motion; all board members present voted in favor; motion carried.

• **Reports of Officers:**

President Report:

- Annual meeting status – the number of residents in good standing is 425. To reach a quorum we need 30% of eligible members to either be present in person or by Proxy so a quorum would be 128 proxies. Ellen will work with Maya on keeping track of the number of proxies that come in.

John as Treasurer will assist Ellen and Maya by providing an updated list of delinquent owners to weed their proxies out of the final count.

- We will know by February 1 if we have the requisite number of proxies for a quorum. If we are short, it will be imperative that all area reps go around their section and get proxies to reach a quorum.
- Flood Pump: Chuck reiterated the information relayed by email to the board from John and Laura before tonight's meeting.
 - Hibiscus management has acknowledged responsibility for the damage and repairs verbally to Laura.
 - The contractor hired by Hibiscus has acknowledged responsibility for the repairs in writing.
 - There has been no offer by Hibiscus to pay for the repairs.
 - The contractor contacted Laura by phone and followed up by email to initially offer 70% of the costs.
 - Laura emailed the executive committee, forwarding the contact information.
 - Laura relayed the information to the HOA's lawyer, Meredith Peck, who cautioned the board from negotiating with anyone but Hibiscus. She also advised that we consider costs if the board decides to pursue legal measures to gain full reimbursement.
 - Laura spoke with the Lely Country Club President who said they would follow our lead and would not be opposed to accepting the 70%.
 - Laura supports accepting the proffered 70% reimbursement from the contractor; she expressed concern if we ended up taking legal action and lost, the HOA would be responsible for legal fees, which would be a large financial burden on the HOA.

Discussion ensued. Chuck advocated for settling at 70%, with 50% of that being paid to Lely Country Club. He was concerned if we went to court and lost, the costs would be very high. John objected, asking why we would accept 70% when both Hibiscus and the contractor have admitted full liability. John advocated pursuing the full amount from Hibiscus as they are the responsible party and it is their responsibility to get reimbursement from the contractor, not Lely Civic's. John also said that in an email to the Exec committee, Meredith advised us not to deal with the contractor and to seek reimbursement from the party responsible, Hibiscus. John reminded the board that we had not sent the letter from our attorney to Hibiscus demanding reimbursement and we do not have to make a decision on a settlement right now. He said we should wait until Meredith sends the letter and we get a response. Chuck objected to this approach stating we would be "tying Laura's hands" to negotiate with the contractor or Hibiscus. John stated that this was a matter for the entire board to decide. Ellen expressed concern that if we accepted 70% from the contractor, without Hibiscus ever being held responsible, there would be nothing to stop Hibiscus from refusing to pay for any future damages. A motion was made by John, seconded by Tom Connolly, "resolved that the board will have our attorney contact Hibiscus/Nassif Golf ventures relating the latest information that we have, (including the repeated, explicit admissions of liability for damages and the failure to make timely repairs from Hibiscus and its contractors) and demanding full reimbursement." Motion passed, with Chuck voting no.

Vice President's Report: None

Secretary's Report :

- Ellen echoed Laura's point about reaching out to your areas to remind owners to get their proxies in. Checking the addresses was a lot of hard work but it was a great opportunity to meet our neighbors. If we need to canvass the community for more proxies, a notice will be sent to the board around February first.
- **New Residents/ Leases:** there were 3 sales and 3 leases since last meeting:
 - Sales: 49 Thorncrest, 70 Thorncrest, 268 Baltusrol
 - Leases: 160 Heather Grove – renewal, 86 Valley Stream, 126 Pinehurst Cir. - renewal

Treasury report:

- Treasurer's Report for December 2024 -no report has been sent by Anchor before this meeting. John stated he will forward to Ellen to include in the minutes.

Committee Reports

- ARC – Lisa McGarity: a few houses are being painted without ARC forms, notices are in hand.
- Nominating – Maya reported that 2 existing board members up for reelection, Dan Denis and Joyce Erickson, did not submit candidate forms. These positions will need to be filled after the annual meeting
- Public Relations –MSTU: – transfer of signs to happen now at the February 11 meeting. John and Ellen said they would go if Lisa/Laura can't make it.
- Publicity – Ellen Clifford: we have a possible new advertiser for the newsletter, thanks to all members who advocate for that. The newsletter for winter will be published after the annual meeting.
- Violations – Maya-Ashley/Laura – violation meeting has yet to be held, there was a confusion on who was to take the action. Both will ensure the committee hearing has been set up before February's meeting. 257 Baltusrol painted house without ARC approval. Anchor was asked to contact the owner to stop painting and fill out an ARC with an acceptable color. At last check, they have not moved forward with painting. Lisa pointed out since they did not fill out an ARC it is an automatic \$100 fine. A letter will need to be sent by Anchor about the fine, Maya-Ashley will need to make sure a letter is sent.
- **Unfinished Business:** none.
- **New Business:** John raised a discussion on the board's policy for contacting the attorney. Lisa recalled a motion passed last year about who and how many people could contact the attorney. There was not a consensus amongst the board on what was agreed. Ellen took the action to research the issue and report back to the board.

Adjournment: Motion to adjourn was made Lisa, meeting adjourned at 6:45 pm