

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **REGULAR MEETING OF THE BOARD OF SUPERVISORS**
4 **February 20, 2019**
5

6 The regular meeting of the Lely Community Development District Board of Directors was held
7 on Wednesday, February 20, 2019 at 1:50 p.m. at the LCDD Maintenance Building, Naples,
8 Florida.

9
10 **SUPERVISORS PRESENT:** Gerry Campkin, Chairman
11 William Lee, Vice Chairman
12 Harold Ousley, Treasurer
13 Kenneth Drum, Secretary
14 Dr. Anne Marie Bularzik, Supervisor, Assistant Secretary
15 **ALSO PRESENT:** Neil Dorrill, Dorrill Management Group, Assistant Secretary
16 Kevin Carter, Operations Manager
17 Tony Pires, District Counsel
18 Freddy Bowers, Director of Community Patrol
19
20
21

22 **INVOCATION/PLEDGE OF ALLEGIANCE**

23 Mr. Dorrill offered an invocation, and the Pledge was recited in unison.
24

25 A. Public Comment

26 No public comment was received at this time.
27

28 **ROLL CALL**

29 All Board members were in attendance at the meeting.
30

31 **APPROVAL OF AGENDA**

32 With the addition of items 7A, Conference Room Use; 7B, Traffic Committee; 7C, Workshop
33 Schedules; 7D, Sunshine Verification; 7E, Annual Newsletter; 7F, PGA Golf Transport; 7G,
34 Parking Lot Landscape; 7H, Collier Boulevard Traffic; and 7I, Watering at Lakoya, **the Agenda**
35 **was approved on a MOTION by Mr. Ousley and a second by Dr. Bularzik.**
36

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5 **APPROVAL OF MINUTES OF JANUARY 2019**

6 As it relates to the Workshop minutes:

7 Mr. Pires noted that on the title page and throughout the transcript, Mrs. should be Ms. when
8 referring to Ms. Brakefield.

9 On Line 31 of the first page, the word State should be deleted and the word General added
10 after the word Attorney,

11 **With those corrections, the Workshop minutes were unanimously approved on a MOTION by**
12 **Mr. Ousley and a second by Mr. Drum.**

13 As it relates to the Regular meeting minutes:

14 On Page 1, at the end of Line 31, the year 2019 should be placed after the word “July”.

15 On Page 3, lines 18 and 19, the word City and City’s should be changed to County and County’s.

16 On Page 6, line 11, the word “shoed” should be “showed”.

17 **With these corrections, the Regular minutes were unanimously approved on a MOTION by**
18 **Dr. Bularzik and a second by Mr. Ousley.**
19

20 **MANAGER’S REPORT**

21 A. January Community Patrol Summary

22 There were a large number of incidents in January, including reports on two alligators and one
23 bear, and Mr. Dorrill urged those present to call immediately if either of these wild animals are
24 seen. There were a total of 18 loitering or suspicious activity incidents and a number of
25 suspicious persons, vehicles and panhandlers were all noted with the appropriate responses.
26 There were a large number of traffic accidents, some with serious injuries that the Community
27 Patrol offered assistance with, and the usual number of problems with gates, disables vehicles
28 and traffic obstructions.
29

30 B. Update on Master HOA Turnover Meeting 1/21/10

31 Mr. Dorrill noted that he had been invited to attend that meeting, and that the District’s efforts
32 so far have been historical, assisting in reviewing and distinguishing between the roles of the
33 CDD and the Master HOA. Additionally the CSA was discussed, and Mr. Dorrill offered to speak
34 to other groups and at annual HOA meetings, and to provide documents related to permits.
35 Mr. Campkin will be attending the next meeting, and Mr. Ousley felt that the longer the process
36 takes, the better it will be for all concerned.

37 Mr. Drum asked about the situation with properties owned by Stock, and they have a list from
38 him, but have yet to receive anything from Mr. Boff. Dr. Bularzik added that apparently Stock

4
5 has only eight properties left to sell, and once they have sold he will be leaving.

6
7 **FINANCIALS**

8 Mr. Dorrill had the year over actual receipts as they come from the tax collector included in the
9 financials this month. Historically the District receives wire transfers into its accounts, and the
10 new service being used by the tax collector is resulting in a delay in the receipt of money to the
11 District of about four to five business days. At the end of the fiscal year a distribution is
12 received from the tax collector for unused fees. Through the first three months of the fiscal
13 year the District is \$63,000 over the prior year.

14 The balance sheet showed \$3,800,000 in cash at the end of December. \$1,400,000 of that is in
15 the special restricted capital reserve. Total assets were about \$10,000,000 in addition,
16 consisting of fixtures and equipment, including the Freedom Horses. Total assets were
17 \$13,850,000 against \$96,000 in accounts payable.

18 The income statement showed \$1,926,000 total for the first three months of the fiscal year in
19 non ad valorem assessments. Other revenue related to either interest or miscellaneous
20 revenues was shown. The CSA payment had not yet been received for the first quarter, due to
21 some confusion on the part of Vesta. This will show up in next month’s financials as it has been
22 received.

23 The primary insurance payment has not yet been made, and as a result of some savings, the
24 administrative cost center will be under budget this year by \$21,000. With the exception of
25 fertilizer and chemical costs as well as annual flowers under landscaping, the operating
26 expenditures in total for the first quarter were \$52,000 under budget. Mr. Dorrill
27 complimented Mr. Carter for keeping expenses down.

28 One of the original big motors that drives the irrigation system will have to be replaced very
29 soon, and this electric motor will cost about \$13,000. That will be reflected within the next few
30 months.

31 In response to a question from Mr. Lee, Mr. Dorrill explained the reason for an internal
32 notation, which is related to audit requirements.

33 Dr. Bularzik asked about the reduced cost for fuel this month, and Mr. Carter indicated that
34 there was no particular reason for it, other than fuel costs are going down.

35 Dr. Bularzik also asked about some of the costs under contractual services, and Mr. Carter
36 noted that there were some street sign post painting that was previously approved and paid for
37 this last month.

5 Mr. Drum noted that on Triangle Boulevard there is what appears to be an indentation along
6 the roadway, where they are building a hotel, and Mr. Dorrill explained that there is a sleeve or
7 conduit that runs under the road that is transmitting a big irrigation main, and it ruptured about
8 three years ago. The County repaired it, but it has settled a bit, and Mr. Dorrill suggested that
9 Mr. Cole be asked to check on this, or they could ask the new Road and Bridge superintendent
10 about it.

11 Additionally, Mr. Carter has reached out to the utility division regarding a sewage pipe in the
12 District that is sitting on top of an irrigation pipe. More information will be received on this
13 later.

14 **On a MOTION by Mr. Lee and a second by Mr. Drum, the financials were then unanimously**
15 **accepted by the Board.**
16

17 **ATTORNEY’S REPORT**

18 A. Wildflower Way, Access to Maintenance Building

19 Mr. Pires noted that there is more work to be done on the parcels that are owned by various
20 entities where there is a grant of access easement to the CDD to get to the maintenance facility
21 and the irrigation pump facilities. Looking at the materials, Mr. Pires wanted to make sure that
22 the paved surface lines up with the easement document. They will need to talk with the
23 developer about the little parcels here and there to make sure there is access. Mr. Cole is
24 working on this to make sure that no additional documents are needed.

25 Mr. Cole also provided a list of the South Florida Water Management District’s permits which
26 they will go through with Mr. Dorrill to discuss which ones are in a position from the South
27 Florida Water District’s perspective to transfer to the operating phase.

28 One of the important aspects of this is that the current permit holder, whoever it may be, is
29 going to transfer the permit to the CDD as the ultimate operating entity, and the current permit
30 holder is responsible to ensure compliance of that system with the permit, plans and
31 specifications until the time the turnover occurs.

32 Mr. Lee asked if Mr. Pires felt it would be to our benefit to take over these properties, and Mr.
33 Pires noted that it depended on which aspect of the system was being discussed, and he agreed
34 that it always is an issue. Mr. Lee noted that if they took over the piping, it has been there for
35 25 years. Mr. Pires stated that this is why they want to make sure at the time of the transfer
36 that it is in accordance with plans and specifications, and is in good condition. It is a long
37 process, and Mr. Pires, Mr. Carter, Mr. Dorrill and Mr. Cole are working on it.

38 Mr. Ousley asked whether the District would own other lakes at the end of this process, and

4

5 Mr. Pires noted that this is part of the process, to ascertain which of the lakes the District is
6 supposed to be the operating entity for.

7

8 B. Trip and Fall Lawsuit

9 This lawsuit regards a woman who allegedly tripped over an irrigation sprinkler head. The
10 insurance carrier has retained defense counsel, and this issue is being handled by them.

11

12 C. County Stormwater Utility Program

13 The County Commission will be having a preliminary assessment hearing the following Tuesday
14 to have the mechanism in place if they decide to go forward with this utility fee. While Mr.
15 Pires has not seen the written recommendation yet, the Productivity Committee has
16 recommended that Collier County, for the fiscal year 2019/2020, utilize a 0.15 mil ad valorem
17 tax, which is what the County Commission had decided to do several years ago. They got away
18 from the idea of dedicating that for stormwater utility, or even collecting that amount, which
19 could generate between eight to ten million dollars.

20 After they do that this year, they can see how that works out, and then decide what they will do
21 for the following fiscal year. As discussed the previous month, they could even enter into an
22 agreement with FPL or the Lee County Co-op for the utilization of the roads rights-of-way fee,
23 which would ultimately get passed on to their customers. That is the current status on this
24 issue.

25

26 D. Sunshine Verification

27 Mr. Campkin expressed concern about the fact that more than one Board member is receiving
28 emails from Dr. Bularzik on topics that are in all probability going to be discussed at the
29 meetings. Mr. Pires suggested that Dr. Bularzik send these emails to Mr. Dorrill in the future,
30 who will send it to the Board members, asking them not to reply to each other about them.

31 Mr. Dorrill noted that this is referred to as a one way communication and it does not need to be
32 acknowledged.

33 Mr. Pires further clarified, indicating that all communication should go through Mr. Dorrill as he
34 is the custodian. Someone could come after Dr. Bularzik with a public records request, and Mr.
35 Lee suggested that the answer to that is in the Sunshine Law Workshop Mr. Pires gave to the
36 Board the previous month.

37 In the future Mr. Dorrill will handle all emails related to anything that may come before the
38 Board. It was suggested that a substitute be used to receive emails for the communities that

5 any Board members are presidents of, and those Board members will be taken off the
6 distribution list of the Presidents Council and any other Committee dealing with events that
7 may come before the Lely CDD Board in the future.
8

9 **SUPERVISORS REQUESTS**

10 A. Conference Room Usage

11 Mr. Ousley suggested that anyone who wishes to use the conference room should schedule
12 with Mr. Carter, and no meetings should be held between 11:00 and 1:00 if Mr. Carter agrees.
13 Mr. Carter definitely agreed, as it can become chaotic. They have been keeping those hours
14 closed, and it works best that way.

15 The facility has become very popular as a meeting place, with an average of four meetings a
16 week, and staff has been discussing the possibility of hiring a commercial custodian to help
17 keep the bathroom and the room clean. The public address system is not available to anyone
18 but the CDD Board to avoid maintenance issues.
19

20 B. Traffic Committee

21 Dr. Bularzik did not attend that last meeting, but they did meet with the Department of
22 Transportation, and there will be further traffic studies done within the next two months
23 specifically regarding the Wildflower entranceway. **Mr. Campkin’s comments inaudible,
24 If Dr. Bularzik receives minutes to distribute to the Presidents Committee, she should either
25 give a copy to Mr. Dorrill for distribution, or to the designee of any of the Board members.
26

27 C. Workshop Schedule

28 The Sheriff’s Department will now be doing a workshop in April, and the Transportation
29 Department will come in March. The preliminary budget workshop will be in May, and June will
30 be the emergency hurricane and emergency management workshop.
31

32 D. Annual Newsletter

33 Several years ago the newsletter had some statistics on irrigation water, and Mr. Lee felt it
34 would be a good idea to repeat that. Additionally, he felt that it should be listed in the
35 newsletter exactly what the CDD is responsible for, as people are constantly asking about that.
36 There has been a turnover of approximately 20 percent in the past five years, and there are
37 enough new residents who would appreciate this information. Mr. Dorrill indicating that they
38 are drafting the narrative for the newsletter now, and he will take that information.

4
5 E. PGA Golf Tournament

6 Mr. Lee commended Mr. Carter and his crew for the extra time they have spent getting Lely
7 ready for the tournament, including getting the Horses redone.

8 Mr. Dorrill indicated that their counterparts at Octagon are easy to work with, and it was a very
9 successful weekend.

10

11 F. Maintenance Building Parking Lot

12 Mr. Drum indicated that some things needed to be taken care of in the parking lot, indicating
13 that they needed more than one handicapped space, and more spots need to be created. Mr.
14 Dorrill noted that the little wooded area may have a conservation easement on it, but some
15 restriping could possibly be done. Historically they have liked to keep residents away from the
16 fuel pumps and operating part of the building, but they could ask Mr. Cole how many spots
17 they may be able to pick up with restriping. Additionally, they may be able to push the fence
18 out for some additional space. Mr. Cole will be asked to look at this as well to determine if they
19 can get the old cart path easement to expand their parking facilities. Mr. Ousley suggested that
20 the narrow opening into the parking lot be looked at as well.

21 Mr. Carter is also looking at purchasing a screen and getting some information on that.

22

23 G. Collier Boulevard Buffer

24 Mr. Campkin and Mr. Carter drove this area recently, and one of the options would be to re-
25 landscape all along the outside of the wall. Mr. Dorrill suspected that this was originally done
26 by Stock, and it is outside of the road right-of-way. Many of the large shrubs should not have
27 been planted underneath the low Comcast overhead line. He suggested that they have Mrs.
28 Goetz look at it and determine what should be removed and see if the expense of redoing it can
29 be minimized. Additionally, some native grass could be installed.

30

31 H. Watering at Lakoya

32 Mr. Campkin pointed out that there is an area belonging to Lakoya that is getting water from
33 the District, ***This section inaudible

34 Mr. Dorrill advised that Lakoya had two Master irrigation meters installed at both their north
35 and south entrances. He suggested that he work with Mr. Pires on this, as at this time the
36 District is obligated to provide irrigation water through the CSA agreement to all communities.
37 If there is going to be a deviation from that, there will have to be a basis and methodology, and
38 will have to be done for all the communities to avoid the potential for conflict.

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5 Everyone is paying the same amount per unit for their own personal and common areas for
6 water. Mr. Dorrill indicated that he will discuss this issue with Mr. Pires.

7

8 **PUBLIC COMMENT**

9 Mr. Bill *** from Twelve Oaks asked if the Board had been notified about the acre and a
10 quarter lot in their neighborhood. (Overtalk)

11 It was where the sales office was located, and they were going to put a pool there. Mr. Pires
12 indicated that Mark Mueller was the attorney for the developer, and he drafted a proposed
13 vacation of grant of easement. Mr. Pires looked it over and made a few changes and returned
14 it to him over a week ago. Apparently the lot has been sold, and the two attorneys are working
15 to vacate the drainage easement that is in the District's favor that runs through the middle of
16 this lot.

17 Mr. Pires added that before the District vacates this stormwater easement, another one must
18 be put in to take its place.

19 At this point Mr. Pires handed out an article from the Wall Street Journal regarding lawsuits
20 related to website access for the blind. Some companies have been sued more than once, so
21 this issue is ongoing. Work continues on the CDD website to bring it into compliance.

22

23 **ADJOURNMENT**

24 Mr. Dorrill reminded the Board that the March meeting would be held on the 20^h. **The**
25 **meeting was then adjourned on a MOTION and a second at 2:35 p.m.**

26