

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **REGULAR MEETING OF THE BOARD OF SUPERVISORS**
4 **July 10, 2019**
5

6 The regular meeting of the Lely Community Development District Board of Directors was held
7 on Wednesday, July 10, 2019 at 1:30 p.m. at the LCDD Maintenance Building, Naples, Florida.

8
9 **SUPERVISORS PRESENT:** Gerry Campkin, Chairman
10 William Lee, Vice Chairman
11 Harold Ousley, Treasurer
12 Kenneth Drum, Secretary
13 Anne Marie Bularzik, Supervisor, Assistant Secretary
14 **ALSO PRESENT:** Neil Dorrill, Dorrill Management (Via Speakerphone)
15 Kevin Carter, Operations Manager
16 Lenore Brakefield, Assistant District Counsel
17 Freddy Bowers, Director of Community Patrol
18

19 **PUBLIC COMMENT**

20 No public comment was received at this time.
21

22 **ROLL CALL/APPROVAL OF AGENDA**

23 All Board members were in attendance at the meeting, and Mr. Campkin indicated that Mr.
24 Dorrill would be calling in to participate via speakerphone.
25 The following items were added to the Agenda: 7A, Benches; 7B, Four Way Stop; 7C, Round Up
26 Workshop and 7D, Reminder that the pumps will be off on Friday following the meeting.
27 **With those additions, the Agenda was unanimously approved on a MOTION by Mr. Drum**
28 **and a second by Mr. Lee.**
29

30 **APPROVAL OF JUNE 2019 MINUTES**

31 As it relates to the Workshop minutes, on Page 2, Line 28, it was clarified that the irrigation
32 windows referred to the timing mechanism.

33 On Page 4, Line 18, "quick shop" should read "quick ship".

34 **On a MOTION by Mr. Lee and a second by Mr. Drum, the Workshop minutes were**
35 **unanimously approved as amended.**
36

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6 As it relates to the Regular Meeting minutes, on Page 3, Line 6, “a gallon” should be “8 gallons”.
7 Also on Page 3, Mr. Vanover is listed three times, on Lines 16, 20 and 37, and the name is Mr.
8 Carter.

9 On Page 5, Line 15, the sentence starting “This form makes the transaction easier....” should be
10 stricken.

11 On Page 10, in Lines 15, 19 and 20, the person’s name is Pat Wager.

12 Mr. Campkin noted that in the places throughout the transcript where a name is starred, the
13 words “A resident” should be inserted.

14 **On a MOTION by Mr. Lee and a second by Dr. Bularzik, the Regular minutes were**
15 **unanimously approved as amended.**

16

17 **MANAGER’S REPORT**

18 A. Community Patrol for June

19 Mr. Carter advised that there were 43 incident reports in June, with four animal related reports,
20 including a bobcat. There were eight trespassing and fishing incidents, seven of which were
21 non residents. Six property damage and maintenance issues were reported.

22 There were three reports of loitering, one being illegal dumping of trash at the end of the
23 building driveway. A few communities reported people who were not employees or residents
24 coming in and cutting down coconuts.

25 Six safety and gate issues were reported, and three suspicious incidents. There were also 13
26 traffic related reports after a flash flood occurred on the roadway during a heavy rainfall in
27 June.

28 There was an EMS assist at the office when an employee was hurt by a piece of machinery.

29 Mr. Bowers has been monitoring the new stop sign area to see how it flowed, and it seems to
30 be working well.

31

32 B. Lely Patrol Additional Coverage

33 Mr. Carter and Mr. Bowers put together some suggestions for the Board, noting that Bob Shaw,
34 who works on the weekends, has shown an interest in working full time, and is doing an
35 excellent job. If Mr. Shaw was increased to 40 hours a week that would make hiring an
36 additional employee unnecessary. The total increase annually would be \$70,600, which would
37 include an extra vehicle. The two options, A and B, for Mr. Shaw would be a Monday through
38 Friday week, or the weekend and three additional days during the week. An additional patrol

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5 could be hired to work on the weekends if Mr. Shaw worked a Monday through Friday week. If
6 an extra person was added for the weekends, the total patrol coverage amount would be
7 \$85,875.25. Mr. Drum liked the second option, and suggested that the second car be prorated
8 over its useful life, and noted that the electronics would have to be added to the cost.

9 It was also Mr. Drum’s recollection that the budget for the extra patrol from the Sheriff’s
10 Department was over \$100,000, so either of these options would save money.

11 Mr. Drum felt that it was important to have a person responsible and in charge of this patrol for
12 accountability purposes, and he suggested that there should be a basic salary, or stipend, for a
13 working foreman for those administrative responsibilities.

14 The Board members discussed what this additional position would entail as far as a specific job
15 description and performance criteria as well as which coverage option would be the best fit for
16 Mr. Bowers and those working with him.

17 Mr. Carter and Mr. Dorrill will confer and prepare a proposal for the Board for the next
18 meeting, which will include the specific concerns mentioned and what the foreman would be
19 responsible for as far as the patrol and administrative aspects.

20

21 C. Update on Landscape and Streetlights

22 Copies of the detailed planting plans were provided previously, and Mr. Carter indicated that
23 the only change to them would be the suggested planting of live oaks on Celeste Drive, which
24 will be changed to another type of canopy tree of the same size, and at the same cost.

25 This is the plan which the bidding companies will receive, and additionally a copy of the cost
26 estimates for what this total project should cost at \$318,580 was provided.

27 A pre-bid meeting will be held with the landscaping companies on July 22nd, and bids will be
28 due on July 31st, with an anticipated start date of early September.

29 Because Mrs. Goetz has done many projects like Lely throughout Southwest Florida, she will
30 make recommendations on which companies to contact. Other companies that the District has
31 relationships with will be invited to offer bids, and others will come through the public
32 advertizing. Either Mrs. Goetz or her partner, Bill Bromley, will be present at this pre-bid
33 meeting, and will monitor the work as it progresses.

34 As it relates to irrigation, the bid spec indicates that the landscape company would adjust the
35 existing system presently in place. Any new irrigation or changes would be done by the District,
36 and District staff will also be used to take down the Queen palms.

37 The anticipation is that this comprehensive project would be completed within 60 to 90 days.

38 In response to Mr. Drum’s question, Mr. Carter indicated that there will still be regular rains

5 during the month of September, which is a better time to plant as opposed to the dry season.
6 Mr. Lee reminded those present that the Master Association is the owner of and is responsible
7 for Grand Lely Drive from the Classics to Rattlesnake Hammock and Lely Cultural Boulevard,
8 which is why they are not included in this work.
9

10 D. Postmaster Update

11 Mr. Carter reported that the postmaster for this area is located in downtown Naples on Sixth
12 Avenue. He is waiting to hear from the postmaster, and may have to go to his office to
13 communicate with him as his calls are not being returned. He will keep the Board advised as to
14 what he finds out.
15

16 **ATTORNEY’S REPORT**

17 A . Encroachment on Drainage Easement/Falcons Glen

18 Ms. Brakefield reported for Mr. Pires that this was a standard encroachment agreement, and
19 that there is an 18 inch pipe within the easement area, which is the property owner’s issue.

20 The blank space on page 2 of the easement is for a specific amount of a deposit to the held by
21 the District in the event an issue arrives at a later date, such as repairs that need to be done.

22 Counsel will provide a tally of costs and fees before the final copy of the easement is provided
23 to the Board for approval. Mr. Pires also wanted the Board to understand that the benefit of
24 the document is that it clarifies what the agreement is, and it also indicates that the
25 homeowner agrees to hold the District harmless should an issue arise.

26 In response to Mr. Drum’s question about the deposit, Ms. Brakefield noted that this amount of
27 money, whatever the Board decides it should be, will be held in escrow to cover costs that may
28 be associated with repairs related to the encroachment. This is an existing situation, and the
29 homeowner is not requesting a new installation of any equipment, but is addressing what is
30 already there. Mr. Cole also felt that the Board should enter into the agreement.

31 The Board briefly discussed the fact that in this neighborhood there were pipes between every
32 house, and this could potentially create a larger problem. However, there may not be an
33 encroachment in all cases. The title company will bring up this issue when a sale is
34 contemplated, which is what happened in this case, as the seller wishes to have a clear title.
35 The Board agreed that a deposit would be prudent, and Mr. Pires noted that somewhere
36 between \$500 and \$1,000 would be appropriate.

37 **On a MOTION by Mr. Campkin and a second by Mr. Lee, the Board unanimously agreed**
38 **that the amount of \$1,000 would be required as a deposit in the agreement.**

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5 **B. ADA Lawsuit**

6 Mr. Carter advised that Mr. Pires had send a copy of the ADA lawsuit filed in Collier County to
7 staff to keep them advised of this ongoing issue.

8 Ms. Brakefield advised that what the County did in this recent case was to settle for \$1,000 and
9 \$8,500 in legal fees, which Mr. Pires indicated was a fairly standard amount. Apparently there
10 are some attorneys involved with bringing these lawsuits, and while at this point there is no
11 state law regarding these ADA requirements, it would cost more to litigate it than to settle the
12 issue for the amount noted.

13

14 **C. County Decision on Rentals**

15 Mr. Drum asked what the current status was of rentals in the community, and Ms. Brakefield
16 explained the County's ruling, which is that anything under six months is considered a short
17 term rental. They have not said that you can or cannot rent for six months or less, but if you
18 do, you are required to pay a tax to the County.

19 As Ms. Brakefield's law firm does represent the tax collector, they are presently in the midst of
20 a lawsuit with Alrbnb on this issue. However, whether a resident can rent for less than six
21 months is determined by their neighborhood or community. Mr. Campkin pointed out that the
22 County would trump a community in this ruling, and they are leaning towards not restricting
23 the length of time a unit must be rented.

24 In essence, the County is waiting to see what the Florida Legislature is going to do with this
25 issue, and as it is presently stalled at that level, the County has decided to wait and see and is
26 following the status quo at this point.

27

28

29 **FINANCIALS**

30 The May 31st financials showed cash in the operating fund of \$2,227,500. Total current assets
31 were noted to be \$3,685,673.

32 ***Mr. Lee's comments were inaudible.

33 The income statement showed revenues of \$3,070,597 through eight months, against a budget
34 of \$3,253,000. A CSA payment will be due soon and should be posted by the next meeting.

35 All of the FEMA money has been received, which totaled just under \$100,000.

36 Expenses continue to track under budget, and personnel wages continue to be under budget as
37 they are a person down on staff, which has not affected the work output. More overtime than
38 normal is being paid.

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5 The mulch program is reaching the budgeted amount at \$47,900, but they are just about
6 finished with installing the mulch.

7 Lighting is one area that staff hopes to reduce costs with the new LED street lighting. Under
8 contractual services under lighting it shows it to be about \$7,000 over budget, primarily due to
9 electrician costs. The chemical purchases were over budget, but this number will correct itself
10 as the year goes on.

11 Under roadway contractual services, Mr. Carter noted that seasonal banners and street sign
12 poles project were noted there, which is why it was well over budget this year.

13 The Capital outlay amount was higher this year as there were more pump issues, and \$51,000
14 has been spent year-to-date, which is \$1,000 over the allotted budget for the year.

15 **On a MOTION by Mr. Drum and a second by Dr. Bularzik, the Financials were then**
16 **unanimously accepted by the Board.**

17

18 **SUPERVISORS' REQUESTS**

19 A. Additional Benches

20 Mr. Drum noted that the benches that were purchased a year or so ago are being used, and
21 asked if there were any benches planned for Celeste, indicating that there should be some
22 installed once the landscaping has been completed.

23 Mr. Lee noted that they had looked at this in the past, and there are sidewalks on both sides
24 that belong to the various communities. (Inaudible)

25 Mr. Drum also felt that some benches should be added along ***, and another one or two
26 along Lely Resort Boulevard and Grand Lely. When the benches were purchased in the past it
27 was discussed that more would be installed in the future, and Mr. Drum felt that it may be time
28 to do that. A resident suggested that more pots of flowers be put at the benches, as it does
29 add to their appeal.

30 **At this point Mr. Dorrill joined the meeting via speakerphone.**

31 After a discussion, it was agreed **on a MOTION by Mr. Drum and a second by Mr. Lee to**
32 **purchase one bench, and Mr. Carter will determine where it is placed. The Board approved**
33 **this by four to one, with Dr. Bularzik abstaining.**

34

35 B. Four Way Stop

36 Dr. Bularzik noted that the four way stop was completed and it appears to be well accepted.

37 The lights around the sign will come down once people get used to the fact that the stop signs
38 are there.

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5 C. Round Up Workshop

6 Dr. Bularzik suggested that this be put on the August meeting agenda for discussion on the
7 workshop and how much time will be needed for it. It was agreed that it would be held at the
8 January, 2020 meeting.

9

10 D. Meeting Space Rules

11 Dr. Bularzik indicated that she would like to have Mr. Pires address the LCDD meeting space
12 rules, as the document that was previously prepared is 26 pages long. Mr. Carter indicated that
13 he will check with Mr. Dorrill and Mr. Pires about when they want to address this.

14

15 E. Pump Schedule

16 ***Most of this first part inaudible.

17 Mr. Lee noted that now that they are back in the rainy season they could cut down on the
18 amount of watering. (inaudible)

19 Mr. Campkin noted that when the landscapers put sod down it requires daily watering, and the
20 pumps being off on Friday rule should be looked at again once the rainy season is over.

21 Mr. Drum added that the community is 25 years old, and the plumbing and lines are
22 deteriorating, along with the sprinkler heads and valves. Also, the homeowners own their
23 control boxes, which are in various stages of disrepair. He felt that this contributes to the loss
24 of water and the loss of pressure at times.

25 The various things being done in the different communities were discussed, and Ms. Brakefield
26 suggested that they could continue with the no watering on Friday mandate up to a certain
27 period of time, which could be determined by the Board. If it is a County rule, then everyone
28 should be following it in any event.

29 Mr. Carter explained how the water use is scheduled by the South Florida Water Management
30 District and it is complicated.

31 Mr. Dorrill indicated that the system is quite dated, but they are putting money into the capital
32 budget as there are some plans to try to automate a great deal of the system the following
33 year. Mr. Carter has attended several meetings throughout the year to get information on how
34 to update it. One of the best features would be the remote ability to turn pumps on and off
35 when necessary.

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5 **F. Grand Lely Roundabout**

6 Mr. Carter advised that he had spoken to the County once again about meeting with their
7 traffic engineer, and this gentleman will be coming to Lely the following Thursday. Mr. Carter
8 will take him to the site, and has explained to him the issue with the painted arrows on the
9 pavement which give incorrect directions.

10 Secondly they will discuss the new four way stop, and which are permanent and which are
11 not.

12

13 **ADDITIONAL ITEMS**

14 Dr. Bularzik reminded those present of the upcoming mosquito spraying, and further, she asked
15 if there was any update on the turnover, and was advised that there was not.

16

17 Mr. Dorrill then asked for information on what the Board had decided about an additional
18 security patrol person, and Mr. Campkin indicated that they were looking at Option B, noting
19 that the car would be prorated over three years, and Mr. Campkin will present a formal
20 proposal with performance criteria to the Board at the August meeting.

21

22 **PUBLIC COMMENTS**

23 There were no comments from the public received at this time.

24

25 **ADJOURNMENT**

26 The August meeting will be held on the 21st, which will also include the adoption of next year's
27 budget. If source and use discussions need to be held for the community patrol, that will be
28 done as part of the public hearing.

29 **The meeting was adjourned at 3:05 p.m. on a MOTION by Mr. Drum and a second by Mr. Lee.**