

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **REGULAR MEETING OF THE BOARD OF SUPERVISORS**
4 **September 18, 2019**
5

6 The regular meeting of the Lely Community Development District Board of Supervisors was held
7 on Wednesday, September 18, 2019 at 1:30 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 Anne Marie Bularzik, Supervisor, Assistant Secretary
15 **ALSO PRESENT:** Neil Dorrill, Dorrill Management
16 Kevin Carter, Operations Manager
17 Tony Pires, District Counsel
18 Freddy Bowers, Director of Community Patrol
19
20

21 **ROLL CALL**

22 All Board members were in attendance at the meeting.
23

24 **INVOCATION AND PLEDGE OF ALLEGIANCE**

25 Mr. Dorrill offered an invocation, and the Pledge of Allegiance was recited in unison.
26

27 **PUBLIC COMMENT**

28 No Public Comment was received at this time.
29

30 **APPROVAL OF AGENDA**

31 The following items were added to the agenda: 7A, Drone Discussion; 7B, Update on Lighting at
32 Horses; 7C, Status of LED bulb Changes and 7D, Parking Lot Update.

33 **On a MOTION by Mr. Drum and a second by Mr. Lee, the Agenda was then unanimously**
34 **approved as amended.**
35
36

5 **APPROVAL OF AUGUST, 2019 MEETING MINUTES**

6 On Page 5, Line 15, the last word in the sentence should be “all” rather than “any”.

7 On Page 10, Line 19, the starred name is Jan Face Glassman.

8 On Line 8 of that page, Dr. Bularzik noted that the turnover has been pushed out to Q1 of 2020.

9 On Page 11, Line 26, “Mrs. Carlson” should be removed and “the property appraiser” inserted.

10 **On a MOTION by Mr. Lee and a second by Mr. Ousley, the minutes as amended were**
11 **unanimously approved by the Board.**

12
13 **MANAGER’S REPORT**

14 A. Community Patrol August Summary

15 August was a calmer month relative to recent months at Lely; a seven foot alligator was
16 trapped, and five trespassing occurrences related to fishing.

17 Two cases of loitering were noted, and several community support standbys involving disabled
18 vehicles and nonfunctioning gates. There were a few suspicious incidents that occurred,
19 including some berry pickers.

20 The new patrol vehicle has arrived, and Mr. Dorrill noted that he will get a check to the vendor
21 as soon as possible.

22 A select few high school students continue to speed along the roadway, and Mr. Bowers noted
23 that at some point they do catch them. Dr. Bularzik indicated that she has seen a Sheriff’s
24 office vehicle at the high school frequently, and that is helpful as well.

25
26 B. Flashing Stop Signs, LRB/Wildflower Way

27 Some flashing lights were installed around the inside of some of the stop signs at the
28 intersection of Lely Resort Boulevard and Wildflower Way by the County. Mrs. Glassman
29 suggested that the Board look at making the lighting on them permanent. Mr. Carter advised
30 that the County representatives he has spoken with have indicated that they want to keep
31 them up as long into the season as possible, and will advise the Board if they are going to be
32 removed.

33 In response to a question from Mr. Campkin, Mr. Dorrill indicated that the County will remove
34 them at some point per their policy, and while he is not opposed to Mrs. Glassman’s request to
35 keep the flashing signs on a more permanent basis, that would be a policy decision for the
36 Board to make. Mr. Dorrill added that anything they do there would involve some liability, as
37 the lights are solar powered and could lose power.

38 After a brief discussion, Mr. Dorrill clarified that the lights were installed on a temporary basis

5 by the County, but there are other areas in the County where the flashing signs have remained
6 in place for the previous two years. Mr. Dorrill will look into this to determine who paid for
7 them and what the situation happens to be and will advise the Board. If the local HOA is paying
8 for it, that would be something the Board could look at doing as well.

9 Mr. Pires noted that the County probably has a typical policy as it is their roadway for installing
10 signs, and they are guided by the Manual for Traffic Control Devices. He suggested that they
11 leave this to the County’s discretion, as the liability would be on them if something were to
12 occur.

13 Mr. Pires’ other comment was that a light bulb on one of the signs was slightly obstructing it,
14 and that should be checked on by the County.
15

16 C. FY 2020 Audit Engagement Letter

17 There was no increase for the renewal of the audit agreement with the Phillips Harvey firm, and
18 Mr. Pires suggested a change where the fee was discussed, that it should not exceed a certain
19 amount and would include the presentation. Mr. Phillips agreed to this change.

20 **On a MOTION by Mr. Lee and a second by Mr. Ousley, the Board unanimously approved the**
21 **2020 audit engagement letter, with the revision, and authorized the Chairman to sign the**
22 **document.**
23

24 D. FY 2020 Cost of Living Adjustment

25 Mr. Lee has asked that discussion on this issue be put on the agenda for today’s meeting, and
26 Mr. Dorrill noted that he has been using a 2.5 or 3 percent increase for some of his other
27 clients. Mr. Lee asked the Board for their opinion, noting that he would like to authorize it to
28 take effect October 1.

29 **On a MOTION by Mr. Ousley and a second by Mr. Lee, the Board unanimously approved a 3**
30 **percent cost of living increase for the employees.**
31

32 E. Fiscal Year 2020 Group Health Insurance

33 An 8.1 percent decrease in the premium this year has been projected as a result of reduced
34 utilization within the past two years. The current plan costs \$14,000 a month for the various
35 employees, and the renewal rate is about \$1,200 less than that, bringing the cost down to
36 \$12,973. There will be change in the coverage, with the same plan.

37 In response to Dr. Bularzik’s question on whether this reduction was related to the fewer
38 positions in the work force, she was advised that it was not, but only to reduced utilization.

5 **On a MOTION by Mr. Lee and a second by Dr. Bularzik, the Board unanimously approved the**
6 **reduced rate with the same insurer for the group health insurance for FY 2020.**
7

8 At this point Mr. Drum asked about the new community patrol employee, and was advised that
9 he had already been hired, and will start on the 5th of October. Mr. Shaw, Sr. will start on the
10 2nd. Mr. Drum then asked about the increase for Mr. Bowers that they had discussed as he will
11 also be acting as supervisor of the community patrol.

12 Mr. Dorrill advised that their pay plan is not that formal, and the County would increase the
13 salary by 7 percent in a similar situation. Mr. Pires noted that Mr. Bowers could stay in the
14 room in he wished to, but due to the sensitivity of this discussion he was asked if he minded
15 stepping outside, and he agreed to do so.

16 A brief discussion was then held and the Board agreed to increase Mr. Bowers' salary by
17 \$10,000 in recognition of his new responsibilities. In response to a question from Mr. Drum, if
18 Mr. Bowers did not wish to go forward with this new position, he would drop back to his
19 previous position and salary and that position would be filled at the prevailing rate.

20 The Board all agreed that he was an excellent employee, and **on a MOTION by Mr. Drum and a**
21 **second by Mr. Lee, the Board unanimously approved the new classification of Access Control**
22 **Supervisor for Mr. Bowers, and increased his base pay by \$10,000.**
23

24 G. Streetscape Contract

25 At the previous meeting staff was asked to do some verifications of references for O'Donnell on
26 comparable size projects he has done, and two references were provided to the Board. The
27 first was by Katie Sproul on behalf of Halstatt Partners, which is a division of the Collier Family.
28 The second was from the Bonita Bay Companies and their associated communities. Both of
29 these companies gave positive references. Staff is recommending approval, and Mr. Pires had
30 attached the final proposed agreement for this work for the Board.

31 Mr. Drum asked about the selection of the trees that was discussed the previous month, and
32 the disease that is affecting Foxtail Palms was discussed, with a resident indicating that his
33 neighborhood was losing all their Foxtails. The Queens are also being destroyed by the disease.
34 Mrs. Goetz will be contacted and asked to address this specific concern before the plantings are
35 started.

36 In response to Mr. Drum's question about the responsibility for selecting the plantings, Mr.
37 Pires indicated that the scope of work was outlined in the specifications, which was prepared
38 by Mrs. Goetz's company, and will be attached to the contract. Mr. Pires suggested that before

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4

5 the contract is signed, that they take a look at it, as many Foxtails are on the contract for
6 installation. Mrs. Goetz will be contacted about this fungal disease that is not easily treated,
7 and some substitutions will be discussed with her before the work goes forward.

8 Mr. Dorrill suggested that O'Donnell be retained, and it will be noted that the final decision on
9 the palms will be made at the October meeting.

10 Mr. Pires noted that 204 Foxtail Palms are on the plans at this point, and the Board briefly
11 discussed the various types of palms that were available, and Mrs. Goetz will be checked with,
12 as noted above, and if change orders are needed, that will be done. It was agreed that the
13 Foxtail Palms would be eliminated, and some due diligence will be done to determine if the
14 plant palette previously approved should be changed and checked once again before the
15 contract is signed.

16 Once the permit is issued on this project, it was anticipated that it will take 60 work days to
17 complete, and that will be put in the contract.

18 This item will be readdressed at the October meeting and a final determination will be made.

19

20 **ATTORNEY'S REPORT**

21 **A. Drone Issues**

22 Mr. Pires provided information to the Board from the Florida Department of Transportation
23 website that discusses unmanned aircraft systems, or drones. There are Federal and state
24 regulations on this, and the State Statutes were provided. Mr. Pires felt that they were obtuse,
25 but they say that you cannot knowingly or willingly operate a drone near power stations and
26 those types of structures, and a weapon, firearm or explosive device cannot be attached.

27 For property appraisals and aerial mapping, you must be in compliance with FAA regulations.

28 The Statute also indicates that they are not to be operated in an area where a person has a
29 reasonable expectation of privacy.

30 The issue is enforcement, which the District does not have the ability to do. There is some local
31 law enforcement responsibility for enforcement, but Mr. Pires was not sure what the local
32 Sheriff's Office has done about this. The problem is identifying the drone operator, and Mr.
33 Pires added that the best way to address this issue would be to contact the FAA or law
34 enforcement if an issue with a drone arises.

35

36 **PRESTWICK NEIGHBORHOOD PARCEL**

37 Mr. Dorrill advised that they had received information from a community on the western side
38 of Lely Resort, Prestwick Place, that is adjacent to the school. Apparently there is an

4
5 irregularly shaped parcel that runs along the western property line which is depicted on the
6 property appraisers aerial that was provided to the Board, and it is the District’s property and
7 has been maintained by it.

8 There is a desire on the part of the HOA of this neighborhood to assume the responsibility for
9 this area. Apparently there are some trees on this property, and it was Mr. Pires’ suggestion
10 that in lieu of declaring the property surplus, or conveying it, that the District enter into a
11 license agreement with this community, giving them the ability to maintain this area at the
12 standard they desire.

13 This agreement could be terminated at will by either of the parties, and it gives the HOA the
14 ability to go in there if they provide some insurance that would hold the District harmless. Mr.
15 Pires has a template for this type of agreement that has been used many times before.

16 Mr. Pires explained that the deed is from July of 2008, and the property being conveyed must
17 be accepted by the receiver either formally or by actions.

18 Mr. Pires will prepare the license agreement, and he will work with Mr. Carter to determine the
19 parameters of the parcel in question.

20
21 **FINANCIALS**

22 The ten month, July 31 financials showed a strong financial position, with a total of \$3,700,000
23 in cash, and earlier in the day \$382,000 was moved out of the operating account and into the
24 capital reserve. Payables stood a \$51,000 at month’s end.

25 The income statement showed that the ad valorem assessments had been fully funded, less the
26 discounts, at the full 96 percent amount.

27 The reduction in the annual insurance premium for property and liability coverage’s made that
28 line item \$20,000 under budget year-to-date. There were also some lapsed salaries on the
29 landscaping side due to vacancies, which put the field management program roughly \$60,000
30 under budget.

31 Fuel, repairs and maintenance were also under budget year-to-date as well as chemicals, which
32 was \$70,000 under budget. Workers Comp increased slightly, and access control salaries were
33 slightly over budget year-to-date, which was a function of cost of living increases and Christmas
34 bonuses that were not specifically budgeted.

35 Total operating expenses year-to-date was \$150,000 below budget, due to the above
36 mentioned items as well as the ongoing good job by Mr. Carter. Lely will be in an excellent
37 carry forward position going into the fiscal year, and there will be no increase in assessments.

38 Dr. Bularzik asked about Aster and Arlington under revenues, and Mr. Dorrill explained

5 that these two entities were separately invoiced as per Mr. Stock’s request when he began to
6 develop and market these properties. These are billed yearly, and Mr. Dorrill will check to see if
7 and when they have been paid for this fiscal year.

8 The fourth quarter CSA payment was received, as well as an additional payment from FEMA,
9 both of which will be noted on next month’s financials.

10 **On a MOTION by Mr. Lee and a second by Mr. Ousley the financials were unanimously**
11 **accepted by the Board.**

12

13 **SUPERVISORS’ REQUESTS**

14 A. New Lights on Horse Monument

15 Mr. Carter advised that the new lights have been completely installed at the Horse Monument,
16 which really changes the appearance of the horses and the surrounding stone as well.

17

18 B. LED Streetlights

19 Mr. Carter indicated that they were finalizing the agreement, at which point they will move
20 forward with this work.

21

22 C. Parking Lot Expansion

23 The survey has been completed, and is being submitted to Hole, Montes who will bring it to
24 the County for the necessary permitting.

25

26 D. Mailbox

27 Mr. Carter was able to speak with the Postmaster, who advised him that they don’t do the
28 balloon drop boxes anymore, but they do have a collection box that the District can purchase
29 and maintain. It could be put over near the collection box at Stock Plaza, but Stock already had
30 three boxes there. They are serviced for pickup by the Post Office.

31

32 E. Roundup Workshop

33 This workshop is scheduled for October 16, and there is a schedule appointment at the
34 University of Florida on this issue on January 15th.

35

36 **ADJOURNMENT**

37 The October meeting was scheduled for the 16th with the workshop at 1:00. The meeting was
38 adjourned at 2:35 p.m. on a **MOTION by Mr. Ousley and a second by Mr. Lee.**