

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

6 The regular meeting of the Lely Community Development District Board of Supervisors was held  
7 on Wednesday, December 18, 2019 at 1:30 p.m. at the LCDD Maintenance Building, Naples,  
8 Florida.

9  
10 **SUPERVISORS PRESENT:**

Gerry Campkin, Chairman  
William Lee, Vice Chairman  
Harold Ousley, Treasurer  
Kenneth Drum, Secretary  
Anne Marie Bularzik, Supervisor, Assistant Secretary

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15 **ALSO PRESENT:**

Neil Dorrill, Dorrill Management  
Kevin Carter, Operations Manager  
Tony Pires, District Counsel  
Freddy Bowers, Director of Community Patrol

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21 **INVOCATION AND PLEDGE OF ALLEGIANCE**

22 Mr. Dorrill offered the invocation, and the Pledge of Allegiance was recited in unison.  
23

24 **ROLL CALL**

25 All Board members were in attendance at the meeting,  
26

27 **PUBLIC COMMENT**

28 No Public Comment was received at this time.  
29

30 **APPROVAL OF AGENDA**

31 With the addition of Item 4C, Players Club Tax Bill; 7A, All Way Stop; 7B, Update on Street  
32 scape Plan; 7C, Update on Lake Bank Erosion; 7D, Taxpayer Letter; 7E, Master Handover, and  
33 7F, Workshop Schedule, **the Agenda was unanimously approved as amended on a MOTION by**  
34 **Mr. Ousley and a second by Mr. Drum.**  
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36

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

6 On page 5, Line 16, the starred words were Players Club.

7 One Line 24, Mr. Lee’s question was if Stock Development could sell the unused parcels in Lely  
8 to another developer to build units on.

9 **With those changes, the Minutes were unanimously approved on a MOTION by Mr. Lee and a**  
10 **second by Dr. Bularzik.**

11

12 **ELECTION OF OFFICERS FOR FY 2020**

13 Mr. Campkin was nominated as Chairman, Mr. Lee as Vice Chairman, Mr. Ousley as Treasurer  
14 and Dr. Bularzik as Secretary and Public Relations. Mr. Dorrill will serve as Assistant Secretary,  
15 along with all other officers. There being no other nominations from the public, **on a MOTION**  
16 **by Dr. Bularzik and a second by Mr. Ousley, the nominations were unanimously approved by**  
17 **the Board by acclamation.**

18

19 **MANAGER’S REPORT**

20 A. Community Patrol

21 December was a very busy month for community patrol; two alligators were removed, along  
22 with a few dogs. There were 12 nonresident trespass related issues with fishing, primarily at  
23 Triangle Lane.

24 Mr. Ousley advised that an accident involving a light pole and one vehicle was very well handled  
25 by Mr. Bowers. An accident report was filed and a claim will be filed with the carrier.

26 There were eight suspicious vehicles or people, and Mr. Dorrill appreciated the fact that people  
27 are reporting those.

28 There were several vehicle assists, and the Sheriff’s Department involvement in activities was  
29 also noted. There were a few traffic accidents that occurred in the District, two with injuries.

30

31 B. 2020 Chub Classic

32 The license agreement for the senior PGA tour event starts on February 10<sup>th</sup>, and Mr. Pires  
33 made some minor edits to the agreement which was distributed to the Board members. Mr.  
34 Drum asked if the District would have any responsibilities, and Mr. Pires did not feel that there  
35 would be. The Board is just allowing them to use District property for a limited purpose, and  
36 they have gotten their own insurance and the agreement holds the District harmless, which  
37 minimizes liability.

38 The agreement also requires the District to be named an additional insured on all the policies,

1 **Lely Community Development District – Minutes**

2 **December 18, 2019**

3 **Page 3**

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5 and they cannot use the District property until they provide evidence of insurance and the  
6 permits.

7 Mr. Dorrill added that they are the subject of a potential claim for an injury that occurred to a  
8 volunteer off site. The volunteers were shuttled to a specific location, and a woman allegedly  
9 broke her ankle when she stepped out of the bus and into a public right-of-way maintained by  
10 the District. That is part of the reason why they have an indemnification clause and the  
11 required insurance coverage on the part of the tournament.

12 In response to Mr. Ousley’s question, Mr. Pires indicated that they do have a \$3,000,000  
13 umbrella, \$1,000,000 per occurrence and \$3,000,000 in the aggregate. And then there is an  
14 umbrella of \$3,000,000.

15 Mr. Drum asked if there would be any responsibility or instructions for the security detail to  
16 direct traffic, and advised that there would not be. Traffic control, designated parking and  
17 designated first responders, police, fire and EMS will all be part of their special event permit  
18 with the County. Mr. Pires suggested that employees of the District should not direct traffic,  
19 which is not their obligation, and that should be made clear to the staff. It was agreed that a  
20 second guard would be present on the final day to make sure that the roadways and non  
21 parking areas remained clear.

22 After a brief discussion, the Board agreed that the agreement should include a clause for  
23 reimbursement to the District for any additional security that is required for the days in  
24 question, and **this suggestion was put in the form of a MOTION by Mr. Drum and a second by**  
25 **Mr. Lee, to include the Chairman executing the license agreement and the authorization to**  
26 **have additional community patrols present for the two peak days, Saturday and Sunday,**  
27 **which was unanimously approved by the Board.**

28 Apparently the staging will be different this year, with additional food and drink being offered  
29 among other things, and Dr. Bularzik felt that this was why it was important for Mr. Bowers and  
30 his staff to be on site the extra days as well.

31

32 **D. Update on Parking Lot Expansion**

33 The most recent estimate for this job is about \$20,000, which includes clearing, staking, silt  
34 fence, lime rock and asphalt to build the one additional lane.

35 Mr. Dorrill attached a copy of this year’s adopted budget to the estimate for the Board. On the  
36 next to last page, it showed that the Board had budgeted \$910,000 for capital improvements  
37 this year.

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1 **Lely Community Development District – Minutes**

2 **December 18, 2019**

3 **Page 4**

4

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6 If and when they open bids for the parking lot, it will also be to award the bid and a budget  
7 amendment from the capital reserve to fund the project. Mr. Dorrill wanted to remind the  
8 Board members that this is currently not a budgeted project, but it will be by the time the bid is  
9 awarded.

10 At this point they are waiting for the site development plan to be approved by the County, at  
11 which point they can move forward. Mr. Dorrill will look at the site plan to determine if the  
12 gate will be widened, and if it needs to be done, that will be evaluated.

13

14 E. January Workshop Location

15 The presentation on Roundup in January will be held at the maintenance building. Several  
16 places were looked at for the workshop, but Mr. Dorrill suggested that they could still look at  
17 the Players Club for a venue. After a brief discussion, it was agreed that the maintenance  
18 building would probably be sufficient to handle the attendees, and it will be advertized that it  
19 will be held in this building.

20 Mr. Carter was thanked for arranging to have an individual from the Institute of Food and  
21 Agricultural Sciences from the University of Florida come to speak to those present as well as an  
22 individual from the IFIS facility to speak as well about fact and fiction as it relates to Roundup.

23 Mr. Carter will also speak about how much Roundup is used at Lely and the methods used to  
24 apply it. The risks involved with using it will also be discussed.

25 Dr. Bularzik noted as well that some residents are opting out of using it on their property, and  
26 she will send this survey to Mr. Carter for his information.

27

28 E. Players Club Tax Bill

29 Keith Gelder from Stock Development called Mr. Dorrill the previous week and asked him to  
30 verify the amount of the ad valorem assessment for the Players Club tax bill, which was found  
31 to be \$60,000 higher than the previous year. An error was made by Mrs. Carlson, who  
32 administrates the roll, on the original tracts for that plat and misapplied the units for the  
33 adjacent condominium, Signature Club, onto the Players Club.

34 Apparently Stock paid it, but after checking, found that they overpaid their taxes. Mr. Dorrill  
35 asked for a receipt for verification. As Districts have the ability to do an off roll billing for  
36 assessments, Mrs. Carlson has prepared 76 separate invoices for taxes that are due to the Lely  
37 CDD for all of the owners of record at the Signature Club.

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6 As a result of that, the CDD bookkeeping will have to account for all of the required  
7 assessments at the Signature Club, to reimburse Stock for the amount that they were  
8 overcharged.

9 Mr. Pires added that they may need to have a public hearing for an assessment resolution to  
10 oppose the assessments on the 76 properties. Mr. Pires will follow up with Mr. Dorrill on this.  
11 The method of enforcement is foreclosure if the property owner doesn't pay, or if it's not paid  
12 by the time the Board starts on the 2021 budget, the unpaid amounts could be rolled into the  
13 on roll assessment for these parcels. The District will get paid eventually.

14

15 **ATTORNEY'S REPORT**

16 A. Unused, Phantom Units

17 Mr. Pires looked at the Treviso Bay PUD/DRI for the maximum number of units. When they call  
18 them Phantom units, he explained that if there are X number of units to be developed under  
19 the PUD/DRI, and if they are not developed after the developer is no longer there, they then  
20 are allocated to various developers.

21 They way to find out if there are excess units would be to check the County monitoring reports  
22 which would reflect the number of units by type. Typically the developers are the ones who  
23 retain the allocation rights under the Covenants. Mr. Pires will look into these reports and  
24 bring the information to the Board at the next meeting.

25 Mr. Drum gave a brief history of the development of Treviso Bay, and asked Mr. Pires if he will  
26 be able to discover how all these phantom units were allocated, and Mr. Pires noted that the  
27 County's monitoring reports are supposed to indicate what PUD/DRI commitments have been  
28 achieved and what number of units has been developed to date. It may not reflect who has  
29 them, but should reflect what is left out there to be used.

30 Mr. Ousley asked if they could change the zoning within the PUD without the District's  
31 knowledge, and was advised that if there was to be a change in the number of units or the  
32 types, unless there is language in the PUD that indicates a specific type of unit that a developer  
33 wished to change, then the PUD would have to be changed to do that unless there is language  
34 in it indicating that it can be converted.

35 Mr. Pires did not see anything in the Treviso Bay documents indicating that there was an  
36 allocation to them, but he will recheck the Treviso Bay zoning documents to make sure.

37 Mr. Campkin indicated that they started out with 10,150 units and then it dropped down to  
38 9,000. Mr. Pires noted that if there was a rezoning and modification to the PUD/DRI reducing

1 **Lely Community Development District**

2 **December 18, 2019**

3 **Page 6**

4

5 the number of units, and the developer of Treviso Bay indicated that he wanted to increase the  
6 number of units in an adjacent property, it would not be a matter of getting them from another  
7 property, but increasing them at Treviso.

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9 **B. Acquisition of Land Strips**

10 Mr. Pires has been discussing a previous direction in 2008 from the Board for staff to acquire  
11 certain strips of land with Mr. Carter and he needed to pin down those strips of land. There  
12 were some votes taken in 2008 a couple of times when these strips of land were conveyed after  
13 discussion and approval of the Board. Mr. Pires will continue to work with Mr. Carter and Mr.  
14 Dorrill on this.

15 Mr. Drum then noted that his association was interested in taking possession of the lot next to  
16 9000 Lely Island Circle. Mr. Dorrill noted that they are in the process of reviewing various  
17 parcels with Karen Bishop, and Mr. Pires suggested that follow up correspondence be sent to  
18 her by Mr. Dorrill advising her that there are some associations that are interested in various  
19 parcels, and those that the District would like to have.

20 Dr. Bularzik asked if there had been any movement on the parcels controlled by Boff or Stock,  
21 and the gentleman from the Turnover Committee indicated that they will be having a meeting  
22 on January 17 to discuss the issue, along with particular strips of land and specific strategies  
23 moving forward.

24 In response to Dr. Bularzik's question as to whether Stock could force The District to take a  
25 parcel over, Mr. Pires indicated that the Master Association is not a CDD, and the CDD is not a  
26 party to the turnover. Mr. Ousley then asked if Stock, or the Master HOA, could transfer  
27 ownership of property to the CDD without the CDD's knowledge. Mr. Pires indicated that they  
28 could, but with a caveat. An attempted transfer is not valid unless it is accepted by grantee, or  
29 second party, by formal action of the Board or de facto action.

30 **Mr. Ousley then made a MOTION that any land given to the CDD without their knowledge by**  
31 **Stock will be given back to them.**

32 The Board members discussed this issue and how to best handle it, and they then asked Mr.  
33 Ousley to make his motion more specific.

34 **Mr. Ousley then made a MOTION that if the District discovers any parcel of land that was**  
35 **deeded to them without their knowledge, that it be given back immediately.**

36 After further discussion, and there being no seconds to Mr. Ousley's motions, **Mr. Lee made a**  
37 **MOTION that if any member of the District's Board becomes aware of the transfer of land to**

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5 **the District, that it will be immediately brought to the Board’s attention for their action. The**  
6 **Motion was seconded by Mr. Ousley and unanimously approved by the Board.**  
7

8 **FINANCIALS**

9 The first month financials ending on October 31 showed \$3,215,000 in cash, with total current  
10 assets of \$3,340,000 against \$72,000 in payables.

11 \$18,000 in non ad valorem assessments was shown as having been received during the month  
12 of October, due to the residents who escrow their taxes and insurance, and payments are made  
13 by the trustees based on what the tax was the prior year.

14 Mr. Lee asked about some figures regarding interest, and Mr. Dorrill will do some research on  
15 this to determine what it was for.

16 **On a MOTION by Mr. Ousley and a second by Mr. Lee, the financials were unanimously**  
17 **accepted by the Board.**  
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20 **SUPERVISORS’ REQUESTS**

21 A. All Way Stop

22 Dr. Bularzik thanked Mr. Carter for getting the red flags redone on the approach to the four way  
23 stop, and Mr. Carter indicated that the line-of-sight issue was addressed to the County, and  
24 they indicated that in lieu of taking out any landscaping, they may have to increase the size of  
25 the blinking sign.

26 Mr. Dorrill indicated that there is a similar situation on the southbound lane, but the signs that  
27 are there were designed and installed by the Board of County Commissioner’s Transportation  
28 Department, and it is their road.  
29

30 B. Streetscape

31 The contract has been awarded to O’Donnell Landscape, and Mr. Carter noted that they have  
32 not yet received a start date as the County is going through some final stages of issuing the  
33 right-of-way permit, which they initially indicated was not necessary. The time frame given to  
34 the District was two to three weeks, and they are now at that point, but O’Donnell is ready to  
35 begin. The County has also asked for a maintenance of traffic plan.

36 Mr. Dorrill hoped to receive a start date soon, but he will keep the Board advised.  
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5 C. Lake Bank Erosion

6 There is \$150,000 in this year's budget in anticipation of the bids that have been let, and they  
7 are waiting for the water to recede before moving forward.

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9 D. Taxpayer Letter

10 Dr. Bularzik received a letter at her home towards the end of November, signed by a taxpayer,  
11 indicating that Mr. Pires' law firm was transferring ownership of deeds from stocks to the CDD  
12 without the knowledge of the CDD.

13 No follow up letter with documentation was received, as the letter indicated it would. Mr.  
14 Dorrill indicated that he would attach the letter to the minutes as part of today's proceedings.

15

16 E. Update on Light Installation

17 The Grand Lely extension has been completed, Lely Cultural Boulevard is complete, and the  
18 next area to be worked on is the Lely High School Road and Lely Island Circle.

19 From there they will move to the larger streets, as soon as replacement brackets are received.  
20 They will cost \$3,500. Mr. Lee suggested that they should be reimbursed for the extra cost for  
21 these new brackets, which should have been determined ahead of time.

22 Mr. Dorrill will consult with him after the job has been completed, as he has the ability to  
23 approve change orders up to \$5,000. Mr. Lee felt that they should reimburse (inaudible) for  
24 this, as he has had to pay for these changes.

25

26 F. Water Main Break

27 Mr. Carter explained the large amount of water located near the maintenance building was due  
28 to a break in an irrigation main line that was fortunately fixed within the day by a contractor.

29 This was a 24 inch water main under 85 pounds of pressure, and made a big mess in the area.

30 All the sod on either side was lost and will have to be replaced.

31 Mr. Dorrill added that the parcel where this occurred is owned by either Stock or the Master  
32 HOA, and it has never drained properly. He felt that the District may want to take ownership  
33 of this someday to improve it because of the public traffic along that roadway.

34 In response to Dr. Bularzik's question, Mr. Dorrill indicated that some of this piping is close to  
35 30 years old, and it is under enormous pressure. There was a break the previous year as well,  
36 and the Board may want to formalize their response to this in the future as using an experience  
37 contractor is the best answer for repairing these breaks.

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1 **Lely Community Development District**

2 **December 18, 2019**

3 **Page 9**

4

5 G. 2020 Workshop Schedule

6 Mr. Lee went over the workshops to be held in 2020 for the Board, noting that in January the  
7 Roundup Workshop would be held, and in February Mr. Pires will go through the rules and  
8 procedures. In March the Sheriff's Office be coming, in April the Transportation Department  
9 will be coming in, and this is important as the work on Triangle Boulevard will be starting then.  
10 May is the Budget Workshop, and June is Hurricane Preparedness. In December the Supervisor  
11 of Elections will come in with a member of her staff, as there are elections in November this  
12 year. in August Mr. Pires will offer a workshop on the Sunshine Law.  
13 Dr. Bularzik noted that she will be participating in the July meeting via speakerphone, and Mr.  
14 Pires advised her that the approval is provided at the meeting itself.

15

16 **FOLLOW UP/MR. PIRES**

17 Mr. Pires thanked Mr. Drum for the reference he made to an ordinance that was amended in  
18 '98 and he will go back in time to check on the PUD.

19

20 **PUBLIC COMMENT**

21 No public comment was received at this time.

22

23 **ADJOURNMENT**

24 Mr. Dorrill noted that the month of January, 2020 will have five Wednesdays, so the meeting  
25 will be on the 15<sup>th</sup> which is earlier than usual. **On a MOTION by Mr. Ousley and a second by**  
26 **\*\*\* the meeting was adjourned at 2:51 pm.**

27

28 **ACTION ITEMS**

- 29 **1. Page 5 - Community Monitoring Reports re: Units by type**  
30 **2. Page 6 - Treviso Zoning Documents**  
31 **3. Page 6 – Determination of Land Strips Conveyed**  
32 **4. Page 7 – Mr. Lee's question re: interest**