

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **REGULAR MEETING OF THE BOARD OF SUPERVISORS**
4 **February 19, 2020**
5

6 The regular meeting of the Lely Community Development District Board of Supervisors
7 was held on Wednesday, February 19, 2020 at 1:40 p.m. at the LCDD Maintenance Building,
8 Naples, 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 **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 Items 7A, Palms on Grand Lely and Lely Resort Boulevards; 7B, Irrigation;
32 7C, Lakes;, and 7D, Roundup Follow up, **the Agenda was unanimously approved as amended**
33 **on a MOTION by and a second by ****
34

35 **APPROVAL OF JANUARY 2020 MINUTES**

36 Workshop Minutes: On Page 1, under appearances, Dr. Bularzik's first name is spelled Anne.

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5 On Page 3, the name starting the second to last paragraph is Kenny Harr.
6 On Page 2, in the third full paragraph, the second to last line, the third word from the end
7 should be “if” rather than “of”.

8 **On a MOTION by Mr. Lee and a second by Mr. Ousley the minutes were unanimously**
9 **approved as amended.**

10 Regular Minutes: On Page 3, Line 22, Lennar was spelled correctly.

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

13

14 **MANAGER’S REPORT**

15 A. Community Patrol for January

16 The summary showed three alligator instances, and staff assisted the Game Commission’s
17 trapper. There were 37 total trespass reports, 19 of which were nonresident fishing
18 trespassers. The other trespassers were bird watchers trying to get a look at the rare duck that
19 is wintering at Lely. There were some mailbox issues and disabled vehicles that the community
20 patrol responded on, and some loitering incidents that were coordinated with the Sheriff’s
21 Department.

22 There were 20 traffic related reports with nine automobile accidents. There was an incident of
23 skinny dipping in one of the lakes that was reported. Mr. Dorrill noted that historically there
24 have been problems at Green Links during spring break, and the District does not enforce
25 zoning noise ordinances or condominium association rules or declarations on private property.
26 Mr. Bowers added that there have been a few incidents of egging cars during the present
27 month. Mr. Lee noted that the Sheriff’s Department seems to be issuing more tickets.

28

29 B. Streetscape Construction Status

30 This project commenced the preceding week with O’Donnell Landscaping, and the Foxtail palms
31 and other types of palms are being put in. Mr. Dorrill noted that the construction drawings
32 were on the table in the back of the room for anyone interested in seeing them. The contractor
33 was asked to leave the areas where the golf tournament is staging alone until it is over.

34

35 C. Lake Bank Restoration

36 This project started two weeks prior to the meeting, and is going well. They are working in all
37 the lakes, and the project should be completed by April the 5th. No problems or issues have
38 been reported.

4
5 D. LED Conversion, Lely High School

6 The LED conversion project has been completed, and went extremely well. The street that goes
7 into the high school off of Wildflower Way was inadvertently left off the plans, and those lights
8 are the CDD’s responsibility as it owns and maintains them.

9 A proposal was provided to the Board to convert 14 of the lights on that high school entrance
10 which staff is recommending from a safety standpoint, at the same unit price as the others.
11 The total price will be \$10,127. This will require a budget amendment, and the source of funds
12 would be the capital reserves.

13 After a brief discussion, **the Board unanimously approved the conversion of the lights along**
14 **the drive into the high school at a cost of \$10,127 as well as a budget amendment to that**
15 **effect on a MOTION by Mr. Drum and a second by Mr. Lee.**

16
17 E. Parking Lot

18 The engineering and application process for the parking lot expansion at the maintenance
19 building has been completed, and a site development plan amendment and approval should be
20 received within 60 days. A bid will then be coordinated for the construction of the new parking
21 area with 16 additional spots.

22
23 F. Off Roll Assessments

24 This related to the situation where Stock Development erred by not reporting the Signature
25 Club Condominium for taxes. When the Signature Club was updated to the tax rolls, it was
26 determined that Stock paid their taxes for the prior two years. As a result, the CDD did an off
27 tax roll billing to the 72 condominium units at the Signature Club. A summary of the taxes that
28 have been paid was provided to the Board, which is about 90 percent of what is owed.

29 An effort will be made by Mrs. Carlson to make sure that the properties have not changed
30 hands or if there is out of country ownership. If the taxes are not paid, they could be sold at
31 the auction that occurs yearly. They will be delinquent as of April first.

32 Mr. Pires noted that the District could also tack the delinquency onto next year’s tax
33 assessment, and Mr. Dorrill agreed that this should be done rather than going into foreclosure.
34 Mr. Dorrill will keep the Board updated on this.

35
36 **ATTORNEY’S REPORT**

37 A. Phantom Units

38 In some of the older records of Collier County Mr. Pires saw a reference to the Lely Resort PUD

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5 applications to a developer contribution agreement involving Wentworth Estates. After doing
6 some digging, Mr. Pires found that in 2003 when Wentworth Estates was going through a
7 rezoning process and Lely Development Corporation was the outfit that supported that
8 rezoning, some minutes were found that he provided to the Board on this topic.

9 Back in 2003 when the rezoning to Wentworth Estates, previously known as Lely Lakes,
10 occurred, page 125 of the minutes generated at that time showed a discussion with
11 Commission Hollis. Apparently a side agreement was made where Lely agreed to reduce the
12 amount of units at Lely Resort by 1,000, and where Mr. Anderson, the attorney for one of the
13 parties, referred to the private contract between his client and Lely that included a provision
14 that provided a reduction in the Lely Resort DRI of 1,000 units. So it was not a transfer, but a
15 reduction of units by Lely Resort.

16 In September of 2003 they had yet to determine what portion of Lely Resort the 1,000 units
17 would be taken from, and in December of that year there was an item on the County
18 Commission agenda called “Development Agreement between Stock Development and the
19 Board of County Commissioners”. After several whereas clauses in that agreement, it states
20 that the Lely PUD shall keep the total of 9,150 units, even though arguably they had 10,150
21 units.

22 On Page 4 of those minutes it showed the then transportation director saw that the document
23 still showed 10,150 units which was what they were originally vested under the DRI. As part of
24 the agreement they said that they would remove 1,000 of those units, and that the
25 modification would be provided.

26 Things remained this way until 2015 when the PUD was amended by reducing the maximum
27 number of dwelling units from 10,150 to 8,946. It was Mr. Pires’ understanding from this
28 document that in 2003 when Lely development was doing the Wentworth rezoning, they
29 wanted to add units, so they agreed to reduce the amount at Lely Resort to get the additional
30 density for Wentworth. This agreement was not codified until 2015, with the number of
31 dwelling units at 8,946.

32 Presently there are close to 6,000 units in the ground, and Mr. Pires did not know whether
33 Stock or Lely Development Corporation in the future will say that they still have a couple of
34 thousand units to build.

35 Mr. Drum noted that the original developer of Treviso Bay went bankrupt and it was eventually
36 sold, with Stock buying a part of it, and he began building smaller homes on the parcel. Mr.
37 Drum asked what the situation was with this parcel, whether it was a separate thing that Stock
38 built on, or was that Lely Development’s idea. Mr. Pires noted once again that the units were

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5 not transferred, but they went through the process, which according to the minutes as noted
6 above, there was a side contract between Lely and Stock that there would be a reduction of
7 1,000 units in Lely. He was then able to say that Lely was reducing the impacts on 41 by getting
8 rid of 1,000 units, so that should allow Treviso Bay to get 800 units. In 2003 when the PUD was
9 amended it increased the number of units from 740 to 1,200.

10 Mr. Drum then asked how the apartments at Grand Lely and Rattlesnake get the density they
11 have, and Mr. Pires indicated that he would have to check into that. He did note that a 2015
12 amendment changed the maximum dwelling units and all the changes and uses were included
13 in the 8,946 number.

14 (Overtalk)

15 Mr. Drum felt it was important to know what the status was of these approximately 3,000 units
16 that have not yet been built, as there are several areas that have been discussed. Mr. Pires will
17 see what he can find out about these unbuilt units.

18 Mr. Drum asked if Stock could transfer his development rights to property outside of the
19 District and build there. Mr. Pires felt that he could not, but he would have to check into that
20 as well. Mr. Pires reiterated several times that it was not really transferring property, but he
21 added that this was several years ago, and today he was not sure that this would be possible.

22

23 **FINANCIALS**

24 At the end of the first fiscal quarter, December 31, Mr. Dorrill noted that almost 1,200,000 in
25 non ad valorem assessments were collected, and almost \$2,000,000 had been received against
26 the budget of \$2,500,000. This represents almost 80 percent of all the annual revenue for the
27 District.

28 The balance sheet showed that the CSA revenues lagged behind from Stock Development, and
29 just prior to the end of the year Mr. Dorrill put Stock on notice that they were not consistent
30 with the agreement that was reached as a result of the litigation. Mr. Dorrill advised that he
31 expected to be paid on time, and in January Stock paid both the first and second quarters,
32 which will be reflected in next month's financial statements. The small amount of money noted
33 on the balance sheet was a true up adjustment from the prior year where they had underpaid
34 by \$15,000. Next month's financial statement will show about a half million dollars in CSA
35 revenues.

36 At the end of December the District had almost \$4,000,000 in cash, split almost evenly between
37 the operating account and the capital reserve account. Mr. Dorrill noted that Mr. Carter had
38 done a very good job with all the expense categories in the first quarter, and total operating

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4

5 expenses for this period of time was \$68,000 below budget, which is very good considering the
6 seasonality of many expenses during the first quarter, including insurance, annual flowers and
7 others.

8 Mr. Drum asked if there was going to be any major purchases between this time and the
9 budget workshop in May, and Mr. Dorrill indicated that there was nothing that was not
10 budgeted. He added that they should probably discuss whether the Board wished to reimburse
11 itself with the line of credit for the street lighting project which is now done, and this can be
12 addressed during the budget discussions.

13 The Board is contemplating some potentially large capital improvements that will take place
14 next year along with lake bank restoration, such as modernizing the irrigation control systems
15 and employing some conservation methods.

16 The line of credit is for \$670,000, and Mr. Drum suggested if no major emergencies are
17 expected, they should try to reduce the debt, and then take on some other projects.

18 **On a MOTION by Mr. Lee and a second by Mr. Drum, the financials were then unanimously**
19 **accepted by the Board.**

20

21 **SUPERVISORS' REQUESTS**

22 A. Grand Lely Palms

23 Dr. Bularzik noted that the first leaning palm she saw was on Grand Lely Boulevard and across
24 from the Classics, and Mr. Carter will take a look at that one. The other one is on Lely Resort
25 Boulevard near the golf course on the left side. It is a Royal Palm, right across the street from
26 the clubhouse at the Classics. It is at a very severe angle, and may need to be removed. Mr.
27 Dorrill will take a look at it after the meeting.

28 In response to Dr. Bularzik's question about when the streetscaping is estimated to be
29 completed, Mr. Carter noted that it should be around the end of April.

30

31 B, Roundup Follow Up

32 Mr. Campkin expressed his disappointment in the Round Up presentation at the work shop last
33 month, and felt that there should have been less discussion about politics and more about the
34 biology of the product. Apparently there are a number of thing that Glyphosate does, which
35 very few people understand. (Inaudible portion) Mr. Dorrill will see if there may be someone
36 else who can address the Board on this. He added as well that the woman speaker towards the
37 end of the presentation had a container of pesticide with her which was something that had
38 been left by a local pesticide company, and had nothing to do with the CDD, and there was no

4
5 truth to the assertions that were made by this individual.

6
7 C. Irrigation System

8 Mr. Lee advised that he and Mr. Carter had been talking about the irrigation system for the last
9 year and a half, and he provided some history of the system for the Board. The pump station
10 was built in 1992, and is 28 years old. There is a minimum allocation of ***773,000 gallons a
11 day with a maximum of 1.2 million during season. Historic allocations on a daily basis are
12 898,694 gallons. Three years ago a new agreement was signed.

13 The daily average used is about 2 million gallons and somewhere along the line up to a million
14 gallons must be pumped out of the ground. . There are ten wells that are used to pump water
15 out of the ground to meet the needs of Lely. Those wells are restricted by the South Florida
16 Water Management District, and cannot be turned on until 8:00 in the morning on certain days,
17 and must be turned off at certain times, on certain days.

18 Presently the water levels are a couple of inches below normal, and last year two pumps had to
19 be shut off because of a lack of water. (Inaudible) Certain water levels have to be maintained in
20 the preserves or else the water system is shut down for a day or two until the water table goes
21 back up.

22 All of this concerns Mr. Lee, and he added that he looked at the control panels, and there are
23 four of them, one for each pump. Three of these pumps have had repairs. Mr. Lee's proposal
24 was that when the budget is done, as they do have a lot of money in the bank, that an electrical
25 engineer be asked to look at the control panel and see what the cost would be to replace it, as
26 in two years it will be 30 years old.

27 Another problem is that some people use more water than they should, and a handout was
28 passed out to the residents advising them of when they can water. Mr. Lee asked Mr. Dorrill if
29 he would send a letter to all the residents and associations to make sure that they are adhering
30 to this, as it seems many people are not. The water shortage is critical, as there are thousands
31 of units in Lely that require water.

32 Dr. Bularzik asked Mr. Carter to prepare a watering schedule and send it to her, and she will
33 electronically send it to all the association presidents. Additionally she will put it on their
34 agenda for discussion. She will also ask every president to contact their landscaping companies.
35 Mr. Drum felt that the real problem was with the owners who don't want to comply, and water
36 whenever they want to, so there will be an enforcement problem.

37 Mr. Lee asked Mr. Dorrill to put this item on the March agenda for discussion, and this will be
38 done.

4
5 D Water Flow/Lakes

6 Mr. Lee provided a map that showed the flow of the water, and it indicated that at Triangle
7 Boulevard, going into Lely Island Circle there is an arrow on the map, which is where the weir is
8 located. That is the only weir that goes into the master lake. Mr. Lee showed on the map how
9 the water flows, and noted that at Lely Resort Boulevard there is another weir where the water
10 flows under that boulevard.

11 Mr. Lee suggested that they have Mr. Cole look at those two points to see if they can cut off the
12 flow of water going into the master lake, and hold water back. (Inaudible.) Mr. Dorrill added
13 that the suggestion is to add some flash boards on top of the concrete weir to hold back the
14 water. Mr. Lee also pointed out that the water level in the lake by the Horses is down as well.
15 The County Ordinance uses the same water schedule mandated by the South Florida Water
16 Management District.

17

18 **PUBLIC COMMENTS**

19 No further comments were received from the public at this time.

20 Mr. Lee indicated that the Master Association will be having their annual meeting on March 20
21 at 11:00 a.m. at the South Florida Regional Library.

22

23 **ADJOURNMENT**

24 The next meeting will be held on March 18, starting at 1:00 with a workshop with the Sheriff's
25 Department, with the regular meeting to follow immediately.

26 **On a MOTION by Mr. Lee and a second by Mr. Drum, the meeting was adjourned at 2:50 pm.**