

1                                   **LELY COMMUNITY DEVELOPMENT DISTRICT**  
2                                   **NAPLES, FLORIDA**  
3                                   **REGULAR MEETING OF THE BOARD OF SUPERVISORS**  
4                                   **March 18, 2020**

5  
6           The regular meeting of the Lely Community Development District Board of Supervisors  
7 was held on Wednesday, March 18, 2020 at 1:30 p.m. at the LCDD Maintenance Building,  
8 Naples, Florida.

9  
10 **SUPERVISORS PRESENT:**           Gerry Campkin, Chairman (Via Speakerphone)  
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                                               Christopher Dorrill, Field Manager

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, with Mr. Campkin participating via  
26 speakerphone. **On a MOTION by Mr. Drum and a second by Dr. Bularzik, the Board**  
27 **unanimously approved Mr. Campkin’s participation via speakerphone due to exceptional**  
28 **circumstances.** Mr. Lee noted that the Sheriff’s Department will reschedule their workshop.  
29

30 **PUBLIC COMMENT**

31 No Public Comment was received at this time.  
32

33 **APPROVAL OF AGENDA**

34 With the addition of Items 7A, Saniwipes; 7B, Signs on Lely Resort Boulevard; 7C, Streetscape;  
35 7D, Transportation Update/Triangle Boulevard, which apparently is going to be fixed later in  
36 the spring, and 7E, Update on Parking lot, **the Agenda was unanimously approved as amended**  
37 **on a MOTION by Mr. Drum and a second by Dr. Bularzik.**

5 **APPROVAL OF MINUTES OF FEBRUARY WORKSHOP AND REGULAR MEETING**

6 As it relates to the workshop, Dr. Bularzik noted that her name was still not correctly spelled,  
7 that Anne is spelled with an E.

8 **On a MOTION by Dr. Bularzik and a second by Mr. Drum, the workshop minutes were**  
9 **unanimously approved as amended.**

10 As it relates to the regular meeting, Dr. Bularzik noted that she had prepared a letter regarding  
11 watering schedules and presented it to the members of the President’s Council. Both she and  
12 Mr. Carter indicated that the feedback has been excellent.

13 It will be up to the various presidents of Associations to work with their residents and their  
14 landscaping companies to make sure that they are in compliance with the schedule. After a  
15 brief discussion, the Board agreed that once the rainy season started, the water will continue  
16 be turned off on Fridays.

17 As it relates to Page 4, Line 11, the commissioner’s name is spelled Halas.

18 **On a MOTION by Mr. Ousley and a second by Mr. Drum, the regular minutes were**  
19 **unanimously approved as amended.**  
20

21 **MANAGER’S REPORT**

22 **A. Community Patrol**

23 There were 92 incidents reported, with 11 nonresident trespassers as part of 16 total.

24 There was a considerable amount of suspicious activity, 20 incidents, and 28 traffic related  
25 incidents. There were a total of 75 traffic stops that occurred with associated warnings or  
26 citations, and several involving accidents. Most of the traffic warnings and citations occurred  
27 on Wildflower. There was also some egg throwing at cars that occurred.

28 Mr. Drum noted that the large construction and landscaping trucks have been parking on both  
29 sides of the roadways and causing a dangerous situation with two way traffic.

30 Mr. Pires suggested that in some jurisdictions a traffic plan is required, with signage in advance  
31 of the area under construction. He suggested that this item be addressed to the County  
32 Transportation Department to see what the requirements are when the roadway will be  
33 impeded in this manner. Mr. Dorrill will look into this for the Board, and report back to them  
34 on the information he obtains.

35 **On a MOTION by Mr. Ousley and a second by Mr. Drum, the Community Patrol report was**  
36 **unanimously accepted by the Board.**  
37  
38

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5 **B. Streetscape Renovation Update**

6 This project is on schedule and is within budget with no change orders to date. Mr. Dorrill  
7 noted that the contractor is doing a very efficient job, and some supplemental manual watering  
8 is being done by him as well. The irrigation system has had to be modified in certain areas as  
9 well to make sure the newly planted trees are getting enough water.

10

11 **C. 2020 Newsletter**

12 The cover of the annual spring newsletter was provided to the Board, and it is on schedule. The  
13 focus is on irrigation and conservation initiatives, and Mr. Carter and Christopher Dorrill are  
14 working with Mr. Lee on it. It is anticipated that it will be sent to the printer before Easter, who  
15 will mail it out once it is completed.

16 This newsletter is sent to every eligible address by geocode by the printer, and occasionally  
17 when someone does not receive a copy, it may be because their mailing address is at their  
18 home up North. Historically 500 extra copies are made, which can be made available to those  
19 who didn't receive a copy. Several of them are also provided to the Presidents Council.

20 At Dr. Bularzik's suggestion, a general number for the Florida Wildlife Commission for all other  
21 animal issues other than alligators will be included on the back cover.

22

23 **D. Field Management**

24 A certain amount of assistance will be provided to Mr. Carter, including lake bank restoration  
25 and the parking lot expansion through the office as Mr. Carter is very busy.

26

27 **E. Irrigation Main Line Repairs**

28 The insurance policy the District carries allows them to file claims in certain instances, and a  
29 \$42,000 claim was filed after the rupture of the main line, and it was honored because it was  
30 within 1,000 feet of the pump house. The money spent was received back, less the deductible.

31

32

33 **ATTORNEY'S REPORT**

34 Mr. Pires indicated that he has more research to do on the Lady Lakes/Wentworth Estates  
35 issue, and will bring that information to the Board at the next meeting.

36

37 **A Public Meetings/Covid-19 Issue**

38 Mr. Pires advised that he is on the list of local government attorneys around the State, and

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5 he is waiting to be updated on public meetings given the Covid-19 Pandemic. There are Florida  
6 Statutory requirements to have open public meetings, and a number of local government  
7 attorneys around the State are communicating on this issue.

8 Under the current laws, open meetings laws and the Sunshine Law, a quorum must be  
9 physically present with the only exemption for participation in the meeting being due to  
10 exceptional circumstances.

11 A law firm that represents a number of local governments sent a request to the Governor's  
12 office on March 3 asking if he would include in his declaration of emergency an exemption for  
13 public meetings where the public entity could conduct meetings telephonically or remotely if  
14 they had the means to do so. The public would also need to participate remotely by webinar,  
15 for example. The Governor has yet to respond.

16 The opinions to date coming out of several cities in the State are that if there is a public  
17 necessity, an emergency involving public health, safety and welfare, with a large issue, it would  
18 be possible if the governmental agency had the ability to conduct such a remote meeting.

19 Everyone could be given notice, and the public could be given the opportunity to at least watch  
20 the proceedings and possibly participate.

21 Hopefully the Legislature will, in special session or the next legislative session, will modify the  
22 legislation and provide that when a state of emergency is declared, that local governments will  
23 be able to meet electronically under the narrow circumstances of public health, safety and  
24 welfare. Right now, absent a real public necessity involving public health, safety and welfare, a  
25 quorum would be required by actual presence at a meeting.

26 Mr. Pires advised that the first floor of their building has a very large room that could  
27 accommodate the Board and community members while maintaining the proper distances, and  
28 he would be more than willing to make it available to them.

29 Mr. Dorrill noted that unless there were some opinions received to the contrary, the next  
30 essential thing the Board must do is to approve a tentative budget no later than June 15<sup>th</sup>.

31 Historically a budget workshop is done in May, and by law it must be formally approved by the  
32 end of the summer.

33 Mr. Pires added that if there is a catastrophic issue, then the Chairman, the Manager and Mr.  
34 Carter should hire who they need to and do what they have to do on an expedited basis, and  
35 then come back and ratify it with the Board.

36 Mr. Pires and Mr. Dorrill will keep the Board advised as to any decisions that come down from  
37 the Legislature as to this issue.

38

4

5 **FINANCIALS**

6 At the end of the first four months of the fiscal year there was \$4,500,000 in cash, and  
7 \$1,500,000 of that amount is in the reserve fund. Accounts payable at the end of January were  
8 \$58,000. In response to Mr. Lee’s question about the income from Arlington and Astor, Mr.  
9 Dorrill advised that they get billed currently as part of the CSA. Mr. Dorrill will confirm that  
10 information for Mr. Lee. The County Commission pays their fees once they receive the annual  
11 audited figures.

12 \$151,000 in non ad valorem receipts came in during January, and year-to-date revenues  
13 through four months were within \$30,000 of the original forecast at \$2,100,000.

14 A cost of living increase was not budgeted for management fees associated with Mr. Dorrill’s  
15 contract, but the Board subsequently gave management an increase as well as a year end  
16 bonus. Because of those unbudgeted amounts, this line item was \$4,600 over budget.

17 Engineering costs were a little over budget, which was a function of lake bank restoration and  
18 the parking lot expansion. As a result of that, Mr. Dorrill is discussing with his accountant  
19 capitalizing those costs on the balance sheet so they won’t flow through to the income  
20 statement.

21 In response to Mr. Lee’s question about the bank charges, Mr. Dorrill advised that those were  
22 costs attributed to the line of credit.

23 Year-to-date electrical charges on the water management side were over budget by about  
24 \$5,000, and Mr. Carter advised that it wasn’t making sense to him, and that will be checked on  
25 to determine if the numbers were correct under that line item.

26 Total operating expenses year-to-date was \$60,000 below budget.

27 Mr. Drum asked if any new units could be anticipated, and Mr. Lee advised that there were  
28 eight or nine more units at Cordova, which is not Stock Development, and Mr. Bowers will  
29 check to see if that number is correct. Dr. Bularzik added that at this time they are looking for  
30 a builder for the next building.

31 Mr. Drum also asked if the extra cash could be deposited into the reserves if this favorable cash  
32 condition continues, and Mr. Dorrill agreed that this money should be applied as the Board sees  
33 fit, otherwise it will become a beginning balance for the general fund for the following year.

34 Mr. Lee agreed, and suggested that a good use for that money would be to upgrade the control  
35 panel at the pump house. He added that they could raise the assessment by \$20 to \$30 and  
36 apply that to the control panel, and then they could begin building up their reserves again.

37 **On a MOTION by Mr. Drum and a second by Mr. Ousley, the financials were then**  
38 **unanimously accepted by the Board.**

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5 **SUPERVISORS' REQUESTS**

6 A. Saniwipes

7 Dr. Bularzik noted that due to the virus, more of these wipes are being used for different  
8 purposes. When they are thrown in the toilet they get in the sewer lines and are clogging the  
9 pumps, and they need to be disposed of in the trash.

10

11 B. Signs on Lely Resort Boulevard

12 The community identification signs on cross streets were installed by the Master Association  
13 and are not part of the CDD. They are in need of refurbishing, and Mr. Dorrill indicated that he  
14 will reach out to the Master HOA and advise that if they don't intend to maintain them, that  
15 perhaps they should be removed.

16 They are in the County right-of-way, and are in very bad condition. Mr. Pires suggested that  
17 they call the County and advise them of this problem.

18

19 C. Transportation/Triangle Boulevard

20 Mr. Ousley advised that he had spoken to the chief engineer, who indicated that they would  
21 have these traffic changes and corrections started in May. Mr. Lee explained the changes that  
22 will be made to make that area safer with easier ingress and egress to the different businesses.  
23 It is anticipated that the work would be completed by December.

24

25 D. Status of Parking Lot

26 The State permit was received, and the County's site improvement plan is expected shortly.  
27 Once that is received that project will go out for quotes, which will hopefully be available to the  
28 Board at the May meeting.

29

30 E. Arrow at Classics

31 Dr Bularzik asked if any progress had been made with the DOT on this, and apparently there has  
32 been none. Mr. Dorrill indicated that they met with the Department and they have evaluated  
33 it, and they wanted to leave it the way that it is. The District is on record as expressing the  
34 concern they have about the misdirection of traffic, which continues to be a problem.

35

36 F. Sable Palm Planting

37 Mr., Campkin noted that there are so many of these palms planted on Wildflower Way, that  
38 they will have to change its name. Mr. Lee noted that there are 140 of these palms planted.

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5 **PUBLIC COMMENTS**

6 Mrs. Bell asked about turning the water off on Fridays, and Mr. Dorrill indicated that this  
7 happens during the dry season as people would be in violation of the County’s watering  
8 restrictions if it was left on. During the rainy season it is turned off because extra watering is  
9 not required. It is always turned back on for Saturday watering.

10

11 **ADJOURNMENT**

12 The next meeting will be held on April 15.

13 **On a MOTION by Mr. Ousley and a second by Dr. Bularzik, the meeting was adjourned at 2:28**  
14 **pm.**