

**LELY COMMUNITY DEVELOPMENT DISTRICT
NAPLES, FLORIDA
MINUTES OF THE MONTHLY MEETING OF THE BOARD OF DIRECTORS
June 17, 2020**

The regular monthly meeting of the Board of Directors of the Lely Community Development District was held on Wednesday, June 19, 2020, at the LCDD Maintenance Building.

SUPERVISORS PRESENT: Gerry Campkin, Chairman (Via Speakerphone)
William Lee, Vice Chairman
Harold Ousley, Treasurer
Kenneth Drum, Secretary
Anne Marie Bularzik, Assistant Secretary

ALSO PRESENT: Neil Dorrill, Dorrill Management Group
Kevin Carter, Operations Manager
Tony Pires, District Counsel
Freddy Bowers, Director, Community Patrol
Christopher Dorrill, Field Manager

INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Dorrill offered the invocation, and the Pledge was recited in unison.

A MOTION was then made by Dr. Bularzik and seconded by Mr. Drum to allow Mr. Campkin to participate via speakerphone due to exceptional circumstances, and passed unanimously.

PUBLIC COMMENT

A resident asked what the difference was between evacuation zones A and C, and was advised that they were differentiated as to elevation and the distance from the water. Lely is in Zone C.

APPROVAL OF MAY, 2020 Minutes

As it relates to the workshop, on Page 1, Dr. Bularzik asked once again that her

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name be spelled correctly.

On Page 2, Line 32, a comma should be inserted in the \$181,000 amount.

On Page 4, Lines 21 to 23, Mr. Pires noted that this motion should not have been made at the workshop, and indeed, it was taken at the regular meeting as well.

On a MOTION by Mr. Ousley and a second by Mr. Drum, the workshop minutes were then unanimously approved as amended.

As it relates to the regular meeting minutes, on Page 2, Line 7, the gentleman's last name is Gabart.

On Page 6, Line 33, the number at the end of the line should be 1,815.

On Page 7, the speaker's name is Peggy Stein-Parker.

On Page 11, Line 9, the starred name should read Jan Face-Glassman.

On Page 11, Line 27, the words "non return" should be stricken.

On a MOTION by Dr. Bularzik and a second by Mr. Ousley, the minutes were then unanimously approved as amended.

APPROVAL OF AGENDA

The following items were added to the agenda: 4A, Traffic Fatality and Stolen Vehicle; 7A, Update on Triangle Boulevard; 7B, Celeste Roundabout; 7C, Pothole Identification; 7D, Cross Backflow Certification; 7E, Ole Streetscape; 7F, Community Signage; 7G, LCDD Parking Issue; and 7H, Comment on Employee.

On a MOTION by Dr. Bularzik and a second by Mr. Ousley, the Agenda was unanimously approved as amended.

MANAGER'S REPORT

A. Community Patrol

There were almost 100 incidents that occurred during the month of May, with 32 trespassing incidents, 30 of which involved non residents which are typically fishing in resident or golf course lakes. There were 18 suspicious incidents, several of which prompted a request for response from the Sheriff's Department.

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There was a car broken into, several threatening text messages that were received, and several EMS assists.

Mr. Bowers reported on the traffic fatality, which occurred just before 11 p.m. on the previous Saturday evening. It was a one car accident where the vehicle apparently lost control and hit a palm tree on the driver's side, and the gentleman was dead at the scene. The accident was investigated, and there was no alcohol involvement. The tree that was hit will be watched as it sustained quite a bit of damage.

The car theft occurred on Chase Preserve, the helicopter was called out to track the car, which also hit a tree and took it and a sign down. The driver was caught and arrested. Two juveniles were involved, one of whom has been suspected of stealing items from cars in the past. Restitution will be looked into for the damage.

Some threatening messages were received by an employee, which turned out to be a hoax in an effort to get them to send money.

B. Parking Lot Update

The work on this project is a bit ahead of schedule, and the clearing and grading has been done to construct the water management swale on the north side. The lime rock is in.

C. Third Party Billings

Over the course of May \$33,203 has been received from the elementary school in Naples Manor, the County's Commission's library and operation center, and the Lely Island Estates entrance for services received from the CDD.

ATTORNEY'S REPORT

A. Current Executive Order

Executive Order 20-69 was issued by the Governor on March 20th of this year,

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part of which was in response to the opinion by the Florida Attorney General that the physical form of attendance for governmental bodies was still in effect even with the declared state of emergency. The Attorney General's opinion provided two ways that this could be modified to allow virtual, remote meetings. One is by declaration and the other was by a valid state of emergency. Within a couple of days of that opinion, the Governor issued this executive order which allowed the District to have its meetings remotely.

On June 5th the Governor issued Executive Order 20-139, which was part of Step 2, which still said that senior citizens and other individuals with a significant underlying medical condition were strongly encouraged to avoid crowds, and all persons in Florida were urged to avoid congregations with more than 50 people. It also extended Executive Order 20-69 which allowed remote meetings for governmental bodies to June 30th of 2020.

That date is approaching, and it is not known if the Governor will extend that order any further, but Mr. Pires will report this information to Mr. Dorrill as soon as he becomes aware of it. It should not affect the Lely Board too much, as the Board has established a physical quorum throughout, and Mr. Campkin can participate remotely by the Board's finding of exceptional circumstances at each meeting.

B. Lely Units

Mr. Pires continues to work on additional documents related to the number of units at Lely, and advised the Board that he will have an updated package for them at the next Board meeting on this issue.

FINANCIALS

The seventh month financials ending April 30 were provided to the Board, and showed a strong cash position on the balance sheet of \$4,424,000 in cash, of which \$1,500,000 is in the capital reserve.

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In addition there was \$90,000 in construction in progress, associated in part with the parking lot expansion and the final payment on lake bank restoration.

At this time there was \$286,000 in payables. Total assets of the District were \$14,239,000. That included the Lely Freedom Horses, the maintenance building and meeting facility, and the depreciated value of the master irrigation system along with drainage related facilities.

The income statement showed a significant amount of money, \$169,000, received in non ad valorem assessments, related to delinquent taxes during the month.

Total year-to-date revenues were \$2,376,000, which represents 95 percent for all revenue anticipated for the year. CSA revenues at this point are just about \$750,000.

The various expense items showed engineering fees under administration are a little over budget, but within the annual budget, due mainly to the capital improvements that have been done this year.

Chemicals are a bit high, but there is some seasonality to that as the fertilizers and various horticultural chemicals are purchased at a certain time of year.

The chemicals to control algae and invasive water plants are also purchased in this way.

Access control and the other payrolls were slightly over budget, primarily due to the number of pay periods occurring in April. Overall total operating expenditures at the end of seven months was about \$20,000 below budget.

About \$700,000 in capital improvements has been spent thus far this year, with a total capital budget of about \$910,000.

As the District approaches year end, it may want to reserve the right to draw down on some of the line of credit, but the Board can discuss that during August or September.

Mr. Drum asked where they stood with the pump house restoration, and was advised that Phase 1 of that project was in next year's budget. \$250,000 has been put in that reserve to modernize the controls.

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A recent filter failure made it necessary to shut down the pumps to correct it, but the new filter has been ordered. One of the pumps is not working, and while it will not affect the water pressure, it will need to be fixed.

Mr. Campkin asked if there was any way to advise people when the water is going to be shut off, and Mr. Carter indicated that he will do what he can to get notice out to the association presidents.

On a MOTION by Mr. Ousley and a second by Dr. Bularzik, the Financials were unanimously accepted by the Board.

SUPERVISORS' REQUESTS

A. Update on Triangle Boulevard

Mr. Lee advised that he had spoken with Trinity Scott at the Transportation Department about this, and she had advised that work on this was scheduled to begin in April of this year, but there were some issues with the developers in that area and they are working on some modifications to the plan at this point. They will be putting it out to bid this summer, and hope to award the bid this fall.

Mr. Lee thought that the work would probably not begin until April of next year, after the season, and would take about a year to complete.

B. Roundabout at Celeste Boulevard

Dr. Bularzik reported that she, Mr. Carter and Ms. Face-Glassman met with several members of the Collier County DOT and discussed the issue of the roundabout in front of the Classics. They have now striped the roadway with yellow paint indicating where they cannot turn. Mr. Lee indicated that the chevron signs are now up, and hopefully this will help with the confusion in this area.

Dr. Bularzik added that the stanchion signs throughout Lely will be redone by the Master Association between now and next year as their budget allows.

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C. Potholes

One of these potholes is presently being worked on, and Mr. Lee indicated where they were located. Mr. Carter added that they found a leak under the roadway, and it appears to be some type of potable water leak or sewer line, so it is not the District's. It will make a big difference when that is taken care of.

D. Back Flow Preventers

This project is going quite well, and Christopher Dorrill reported that 18 out of 20 locations have already been checked and paperwork turned in. They are already at 50 percent, and more are received daily. Neil Dorrill asked if staff is receiving copies of the certificates once they are signed off on, and he was advised that they were. Those will be needed to provide to the County to prove compliance.

E. Ole Streetscape

Concerns have been expressed by some of the Ole residents about the streetscape plan that was done, and Mrs. *** met with Dr. Bularzik and presented some diagrams to her. They received 147 trees which were installed with the cluster concept, which is something new to this neighborhood. They would like to have a few trees moved, and Mrs. *** then addressed the Board, showing them a diagram of the present plantings and those they are asking the Board to consider adding. She advised that 23 of their trees were removed, and there are areas where the landscape treatment is uneven and does not look like a complete job. The Board was asked to add 37 trees of the shorter variety, and to add six Royal Palms to even the area where others are planted. She also asked for four benches to be installed on Celeste. (Inaudible comments)

Dr. Bularzik asked this resident if she would submit a list to them of the types of trees they are looking for on which section of Celeste. She had also asked this resident if she would speak to the Celeste Board to determine if they could fund part of the project. Two of their Board members agreed that something needed

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to be done to make the plantings more attractive, and additional plantings that would conform with what is already in place would be appreciated.

Mr. Drum asked if these requests had the support of the Ole HOA and the other HOAs that are along the way, and was advised that the Ole HOA supports them, but that she did not have many contacts for the other HOAs. Mr. Drum advised that he was sympathetic to what the resident was saying, and if she could get some unified thought about this from all the communities along Celeste as to what is wanted, then the Board could possibly have another look at it.

Mr. Drum added that they spent almost \$40,000 on the consultant doing this job, and he believes that they should hear what all the residents want. He also was sympathetic to their desire for benches, and noted that the owner of that land could provide a letter to the Board indicating that benches could be installed.

Mr. Dorrill asked the resident if she was present at any of the three public meetings that were held last year before the work was started, and was advised that she was not aware of any public meetings, and one of her issues is that she has no way to log onto the CDD website to find out what the agenda is at any given time.

Mr. Dorrill respectfully indicated that they have met the same day of the month for 30 years, and there is a website. The agenda is uploaded to the website one week before the meeting, and legal notices are run in the newspaper in both the printed and electronic editions. There were three public meetings held last year, as well as a private briefing for the Presidents Council. Additionally, a two hour workshop was held with their nationally recognized landscape architect, and a budget hearing was also held where the Board allocated \$320,000 for the project.

Mr. Dorrill felt that the benefitting neighborhood should consider paying a portion of this project at this point, and Mr. Lee added that another meeting was held where the work to be done in all areas was explained and discussed in detail.

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Mr. Dorrill explained what precipitated the replacement of certain trees as many of the palms throughout Lely were dying, and the decision was made early on to replace them with native trees to avoid this, and create a canopy and insert some color.

Mrs. *** will prepare a list with the other residents as to the number of types of trees that would in their collective opinion make Celeste look better, and have all the Board members sign off on it. This will be provided to the Board.

F. Community Signage

Dr. Bularzik felt that the signs that indicate the various communities in Lely should be replaced with something more upscale, and Mr. Dorrill suggested that the Master Association or Stock owns the road, and Christopher and Mr. Cole will take a look at the width of the private road right-of-way into the entrances. At Wildflower the right-of-way belongs to the County, and they won't allow sign changes. The Board will be provided with the information from Mr. Dorrill and Mr. Cole along with some suggestions as to what can be done to improve the signage.

F. Visitor Parking Overflow

Mr. Ousley suggested that a visitor overflow area be created as cars can easily end up overflowing on people's driveways. The Board discussed areas where they could park, and it would be for cars only. Mr. Pires noted that it does raise an issue, in that the parking areas in the Maintenance facility, for example, are inside a gate. But parking outside the gate for an extended period of time would raise the issue of how that would be taken care of. The CDD has the ability to tow vehicles on CDD property, but those areas have to be designated as tow away zones. The Board discussed appropriate signage for this area, and Mr. Pires will prepare a resolution document for the Board and bring it to the next meeting to designate these areas as noted above.

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G. LCDD Employee Recognition

Mr. Ousley noted that Robbie, who sprays the lakes, is doing a fantastic job getting rid of the algae. This reflects on Mr. Carter's management skills, and he thanked him for the job he is doing at Lely.

Mr. Dorrill will make sure that this employee is made aware of this appreciation. It was suggested that quarterly an employee could be designated as the employee of the month, and Mr. Dorrill will look into that for the Board and come up with some ideas.

PUBLIC COMMENT

No further public comment was received.

ADJOURNMENT

The July meeting will be held on the 15th, and the August meeting will also be the public hearing to approve next year's budget. The workshop for July is the election supervisor.

On a MOTION by Mr. Ousley and a second by Dr. Bularzik, the meeting was then adjourned at 2:40 p.m.