

1                    **LELY COMMUNITY DEVELOPMENT DISTRICT**  
2                    **PUBLIC HEARING AND REGULAR MEETING OF THE BOARD OF SUPERVISORS**  
3                    **AUGUST 19, 2020**

4  
5 The public hearing and regular meeting of the Lely Community Development District Board of  
6 Supervisors was held on Wednesday, August 19, 2020 at 1:35 p.m. at the LCDD Maintenance  
7 Building, Naples, Florida.

8  
9 **SUPERVISORS PRESENT:**                 Gerry Campkin, Chairman  
10     William Lee, Vice Chairman  
11     Harold Ousley, Treasurer  
12     Kenneth Drum, Secretary  
13     Anne Marie Bularzik, Supervisor, Assistant Secretary  
14 **ALSO PRESENT:**                                 Neil Dorrill, Dorrill Management  
15     Kevin Carter, Operations Manager  
16     Tony Pires, District Counsel  
17     Freddy Bowers, Director of Community Patrol  
18     Christopher Dorrill, Field Manager

19  
20 **PUBLIC HEARING**

21  
22 The Public Hearing associated with the 2021 Budget was then opened.  
23 Mr. Dorrill noted that the Budget essentially reflected the current budget, as there is no  
24 increase in the assessment for the coming year. There is, however, a better forecast of what  
25 the adopted budget will be in terms of the CSA revenues.  
26 The total budget for the District for 2021 is \$3,997,952. This is a slight decrease over the  
27 current year. A small increase is proposed to come out of the capital reserve next year to offset  
28 some of the capital outlay.  
29 Mr. Dorrill had the affidavit of publication for today's Budget Hearing.

30  
31 **ROLL CALL**

32 All members of the Board were in attendance.  
33

34 **APPROVAL OF 2021 GENERAL FUND BUDGET**  
35 **On a MOTION by Mr. Lee and a second by Mr. Drum, Resolution 2020-2 Adopting the Final**  
36 **General Fund Budget for Fiscal Year 2021 was unanimously approved by the Board.**  
37  
38 **On a MOTION by Mr. Lee and a second by Mr. Drum, Resolution 2020-3 Levying a**

4  
5 **Maintenance Assessment within the Lely CDD for fiscal year 2021 was unanimously approved**  
6 **by the Board.**

7  
8 The Public hearing was then closed, and the Regular meeting of the Board of Directors was  
9 convened at 1:40 p.m.

10  
11 **INVOCATION AND PLEDGE OF ALLEGIANCE**

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

13  
14 **ROLL CALL/APPROVAL OF AGENDA**

15 No public comment was received at this time, and all Board members were in attendance.  
16 The following items were added to the agenda: 7A, Mr. Drum’s September participation; 7B,  
17 Cave Toads; 7C, Water Storage Tank; 7D, Irrigation leak Repair; 7E, Street Signs by Stock and  
18 Vesta; and 7F, Wildflower Way Sable Palms.

19 **With these additions to the agenda, it was unanimously approved on a MOTION by Mr. Lee**  
20 **and a second by Mr. Drum.**

21  
22 **APPROVAL OF JULY 15, 2020 MEETING**

23 As it relates to the Workshop minutes, **on a MOTION by Dr. Bularzik and a second by Mr.**  
24 **Ousley, the minutes were unanimously approved.**

25 As it relates to the regular Meeting minutes,

26 On Page 1, Line 25, the speaker’s first name is Doriel.

27 On Page 7, Line 35, the name was Robert Priestley.

28 On Page 8, Line 26 and Line 31, the last name of the woman is Tuthill.

29 With these changes, **on a MOTION by Mr. Lee and a second by Dr. Bularzik, the minutes were**  
30 **unanimously approved as amended.**

31  
32 **MANAGER’S REPORT**

33 A. Community Patrol

34 There were 72 reportable instances for the month of July, with two animal related issues and  
35 16 trespassing reports related to unauthorized fishing, 15 of which were nonresidents. There  
36 were three parking and loitering complaints which were relayed to the Sheriff’s Department.  
37 There were several suspicious vehicle reports as well.

38 Five EMS standbys and traffic accidents through the course of the month were noted, and

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5 the Sheriff's Report showed a number of citations.

6 A man was arrested the previous Friday evening involving a racial rant, speeding and some  
7 defacing of political signs.

8

9 **B. Lake Bank Restoration Status**

10 Mr. Cole previously provided an update for the Board on this project. While there has been  
11 some trouble with obtaining the fill for the Geotubes by the contractor, he has made some  
12 progress, and they are nearing substantial completion. At this point they are working on  
13 residential sod restoration, and it is anticipated that they will be finished by month's end. A  
14 walk through and punch out list will be done, and any cosmetic items will be taken care of.  
15 In response to Mr. Campkin's question, Mr. Carter indicated that the work is presently  
16 happening at Ascot.

17

18 **C. Community Signage Easement**

19 Mr. Dorrill and Christopher are working with Mr. Cole to prepare an easement that would  
20 enable the Board to put a sign on Wildflower Way that would identify where the community  
21 operations center and CDD offices were located. Once the easement is obtained they will  
22 submit it to Stock as it is within the Master HOA roadway.

23 The political signs are in the same area, and Mr. Pires suggested that Code Enforcement has  
24 been very responsive to inappropriately placed signs.

25 It was noted as well that signs are not allowed in the medians.

26 Freedom of speech as it relates to signs from both sides of the political spectrum was discussed,  
27 and it was agreed that both sides have a right to put up a political sign of the appropriate size in  
28 the appropriate places.

29

30 **D. Request for Budget Amendment 2020-4 Re: Cross Connection Inspection Program**

31 The total for this program is \$45,375 which will come out of the contingency reserve.

32 **A MOTION was made by Mr. Lee and seconded by Mr. Ousley to authorize the Chairman to  
33 sign Budget Amendment 2020-4 to pay for the Cross Connection Program.**

34 Christopher updated the Board on this program, noting that they are probably near 80 percent  
35 completion on this cross connection check program. Several smaller neighborhoods are still to  
36 be checked, although some of those residents have already turned in their certificates. Mr.  
37 Carter will be following up on them later this week, and the remaining certificates should be  
38 coming in very soon as well.

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5 Many of these have already been turned into the County, and good progress is being made in  
6 this program. These were the residents noted on the list, which was a little over 1,800 homes.

7 Mr. Drum asked if this would be the end of this issue, or if it will have to be redone in a few  
8 years. Mr. Dorrill felt that they would be done, and Mr. Pires noted that while he does not have  
9 the information with him, it was one of the things required in the amendment, that the County  
10 clarify that once that total had achieved, it would not have to be done again in five years.

11 Mr. Dorrill suggested that Mr. Pires be asked to make an inquiry on this, because if it is the  
12 County's intention to require this again in another five years, that will be objected to.

13 Mr. Pires will run that down for the Board.

14 Christopher also advised, in response to a question, that they have copies of all the certificates  
15 that have been completed. Mr. Dorrill indicated that they would be put on the District's hard  
16 drive in the event any reconciliation is required.

17

18 **ATTORNEY'S REPORT**

19 **A. Executive Order**

20 The Governor has extended his executive order to October first regarding the ability to  
21 establish a quorum remotely. The Board will be kept advised on this issue.

22

23 **B. Public Records Request**

24 Mr. Pires noted that Mr. Dorrill and his staff have done an excellent job in replying to and  
25 complying with the requirements of the Public Records Law. The recent request for public  
26 records has gone beyond the requirements of the law in Mr. Pires' opinion, and the District is in  
27 full compliance. Mr. Dorrill has handled this particular request very well, and Mr. Pires will  
28 keep the Board posted should there be any further action on this item.

29 In response to Mr. Campkin's question regarding the requesting party's mention of his  
30 community, Mr. Pires advised that the law prohibits the District from asking why the  
31 documents are being requested, or why the request was phrased a certain way.

32 As it relates to document requests for private organizations, such as an HOA, Mr. Pires  
33 indicated that he was not familiar with that statutory scheme. His discussion relates to public  
34 records requests to the District only.

35

36 **C. County Documents**

37 These items, received from the County, addressed the number of units within the Lely PUD/DRI,  
38 primarily based upon an application made by Stock for Inspira. There was also an executive

5 summary that talked about the transaction where Treviso Bay received a number of units, as  
6 well as a copy of the agreement with the Lely Developer and the County where the number of  
7 units was decreased. This will be discussed in full at the next Board meeting.

8  
9 D. Consideration of Towing Policy and Resolution

10 Mr. Pires asked that the agenda be amended to add this item to the Attorney’s Report to allow  
11 for public comment. **On a MOTION by Mr. Lee and a second by Mr. Ousley, the Board**  
12 **unanimously approved the addition of this item to the agenda under the Attorney’s Report.**

13 The District’s authority in this matter was provided in a memorandum for the Board from  
14 Chapter 190.

15 This memorandum allows the District to adopt the same towing regulations that any private  
16 property owner would have. The Statutory regulation on how this information is to be posted  
17 was included. Attached also was a formal resolution if the Board wished to look it over and  
18 provide a description of the areas the Board wished it to cover, which is District owned  
19 property, over which it has an easement.

20 This item will be placed on the agenda for the next meeting.

21  
22 **FINANCIALS**

23 The third quarter financials showed \$4,100,000 in cash at the end of June, with \$2,600,000 in  
24 the operating line and \$1,500,000 in reserves. Total current assets of the District including  
25 construction in progress in connection to the lake bank work stood at \$4,203,000. Payables at  
26 that time were \$76,000.

27 The District will either draw down on the capital reserve to help with some of the costs  
28 associated with the lake bank restoration project, or the line of credit may be used for that  
29 expense. Mr. Dorrill will have a recommendation on this for the Board at the September  
30 meeting.

31 At this point Mr. Dorrill noted that Dee Emerson in his office is retiring, and Alli Coleman, who  
32 has a degree in accounting and has worked for Dorrill Management for several years part time,  
33 is going to full time. She will be helping to compile the agenda packages, and Mr. Dorrill will  
34 pass on Dr. Bularzik’s request to lay out pages 2 through 6 sideways. Mr. Campkin asked Mr.  
35 Dorrill to pass on the Board’s thanks to Mrs. Emerson for the good work she had done for them  
36 all, and a plaque memorializing her contributions will be presented.

37 The income statement showed almost \$22,000 coming in during the month of June, primarily  
38 due to delinquent taxes that were paid with penalties or sold at the certificate sale

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5 As of the end of the third quarter, 96.5 percent of total revenues had been received. The tax  
6 collector's fee and discounts for early payment make up the difference.

7 Mr. Lee noted that they always subtract the \$63,000 for ad valorem, and maybe that amount  
8 should be erased as they would be short \$92,000. Mr. Dorrill agreed and will make the note  
9 and suggested that they discuss it at the Budget workshop in the spring.

10 The fourth quarter CSA payment has been received in the amount of \$292,564. Total CSA  
11 payments for the year were \$1,097,733, which was almost \$60,000 more than forecast. This  
12 reflects the built out Lakoya Community, and the budget line item for this for 2021 is  
13 \$1,100,000.

14 The total operating expenses for the year continue to track about \$60,000 below budget. For  
15 cash flow purposes, the Board can make the decision at the September meeting as to whether  
16 they will draw on the line of credit or take a draw down on capital reserves.

17 **On a MOTION by Mr. Lee and a second by Mr. Ousley, the Financials were then unanimously**  
18 **accepted by the Board.**

19

20 **SUPERVISORS' REQUESTS**

21 A. Mr. Drum/September Meeting

22 As previously noted, Mr. Drum will be participating in the September meeting via  
23 speakerphone.

24

25 B. Cane Toads

26 There has been an invasion of these non-native species. They are poisonous, and present a  
27 danger to small animals. They multiply quickly and are beginning to overrun the area, and pets  
28 and other small animals that either bite it or come in contact with the toad's skin can be  
29 affected. Private property can be sprayed with a chemical that keeps them away, or have a  
30 trapper come out and get them, which may be a short term solution as they are prolific.

31 Mr. Drum asked if there was anything that the District can do as far as lake management to kill  
32 the tadpoles.

33 Mr. Dorrill advised that he uses a vender who brings crews in overnight when the toads are out  
34 on the warmed concrete or in the lakes at the golf courses. The cost is about \$1,000 for a  
35 night's work. Recently at the Villages of Monterey the crew trapped and killed 300 toads.

36 Mr. Dorrill is not familiar with the tadpole stage of a toad, but he will ask about this with the  
37 vendor. There is also an environmental consultant at Pelican Bay who Mr. Dorrill will ask for  
38 suggestions for a pesticide that can be used on the tadpoles and toads.

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5 What can be sprayed in an aquatic environment is regulated by the State. There are also traps  
6 that can be used, and this is a big problem in many neighborhoods in the area. These toads  
7 also eat the native populations of frogs, lizards, snakes and birds. Mr. Dorrill will have more  
8 information for the Board at the next meeting.

9

10 C. Water Storage Tank

11 Mr. Drum noted that this was suggested as an option for water conservation at a previous  
12 meeting, and wondered if it would be feasible for Lely. If it is possible, Mr. Drum felt that it  
13 would be a far better solution than relining the lake which is a very expensive project. Mr.  
14 Dorrill will ask Mr. Pires to do some research on the parcel where it would conceivably be  
15 located, adjacent to the driveway, to make sure it is possible from a land use standpoint.  
16 Pending that outcome, they will look into some costs for a 500,000 gallon concrete tank, for  
17 example.

18 In response to Dr. Bularzik’s question, Mr. Dorrill explained the process for water storage in the  
19 lake and how much water is lost on a regular basis.

20

21 D. Irrigation Leak

22 For the record, Dr. Bularzik wanted to thank Mr. Carter for the quick repair they did on the  
23 irrigation leak on Mustang Island.

24

25 E. Sign Painting

26 Dr. Bularzik noted that Vesta/Stock did paint and resign five directional signs along the  
27 roadways, and they will budget for the remainder of them next year.

28

29 F. Wildflower Sable Palms

30 Mr. Carter previously checked on these palms for Dr. Bulazik, who felt that they were leaning,  
31 and found that they were all healthy.

32

33 G. Algae Problems

34 Mr. Carter agreed that it has been a very hard year with algae, and advised that they are  
35 fighting it all day, every day, even on the weekends, spraying the lakes. Several lakes were  
36 pointed out as having particular problems, and Mr. Dorrill added that before August they were  
37 almost a foot below average rainfall. Most of the communities, at least in North Naples, don’t  
38 have lake levels that allow it to flow over the weir. That flow over is just beginning, and Mr.

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5 Dorrill suggested that this will help, as the water will no longer be sitting stagnant in the lakes.  
6 Mr. Dorrill also advised that Christopher did a demonstration project at a North Naples  
7 community the previous day, involving a skimmer boat that removes the algae. The vendor,  
8 Collier Environmental Services, skimmed off all the algae in a lake adjacent to where this board  
9 meeting was held and it was very impressive. The skimmer boat costs \$85 an hour, and there  
10 is an option for a cleanup crew as well. Otherwise, the algae will be put on the side of the lake  
11 and will dissipate within a few days. Christopher will speak with Mr. Carter about this service.

12

13 **ADJOURNMENT**

14 There were no public comments received, and the next meeting will be held on September 16  
15 with a workshop on Rules and Procedures, Part 2, at 1:00 with the regular meeting to follow.

16 **On a MOTION by Mr. Drum and a second by Dr. Bularzik, the meeting was then adjourned at**  
17 **2:35 p.m.**