

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **REGULAR MEETING OF THE BOARD OF SUPERVISORS**
4 **September 16, 2020**
5

6 The regular meeting of the Lely Community Development District Board of Supervisors was held
7 on Wednesday, September 16, 2020 at 1:30 p.m. at the LCDD Maintenance Building, Naples,
8 Florida.

9
10 **SUPERVISORS PRESENT:** Gerry Campkin, Chairman
11 William Lee, Vice Chairman
12 Harold Ousley, Treasurer
13 Kenneth Drum, Secretary (Via Speakerphone)
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 **ROLL CALL**

22 All Board members were in attendance at the meeting, with Mr. Drum participating via
23 speakerphone. **On a MOTION by Mr. Lee and a second by Dr. Bularzik, Mr. Drum was**
24 **authorized to fully participate in the meeting via speakerphone due to exceptional**
25 **circumstances.**

26
27 **INVOCATION AND PLEDGE OF ALLEGIANCE**

28 Mr. Dorrill offered an invocation, and the Pledge of Allegiance was recited in unison.
29

30 **PUBLIC COMMENT**

31 No Public Comment was received at this time.
32

33 **APPROVAL OF AGENDA**

34 The following items were added to the agenda: 7A, Thanks to staff for coming to Lely last
35 Sunday ; 7B, Storage Tank; 7C, Sabal Palm Check; 7D, Streetlight on Wildflower Way; 7E,
36 Towing Documents, and 7F, Public Records Request.

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5 **With those additions, the Agenda was unanimously approved on a MOTION by Mr. Lee and a**
6 **second by Mr. Ousley.**
7

8 **APPROVAL OF AUGUST 2020 MINUTES**

9 On Page 2, Line 17, the toads mentioned are “cane toads”.

10 On Page 3, Line 16, “Ascot” should be changed to “Prestwick Place”.

11 On Page 6, Line 33, the word vendor was spelled incorrectly.

12 **On a MOTION by Mr. Lee and a second by Dr. Bularzik, the minutes were unanimously**
13 **approved as amended.**
14

15 **MANAGER’S REPORT**

16 A. Community Patrol

17 There were 12 no trespassing events, and none of them were residents. The number of
18 suspicious incidents and traffic accidents were up, and there were 12 traffic and/or EMS assists.
19 There was some electronic irrigation equipment hit by lightning as well, which was documented
20 in the report. The Sheriff’s report showed that many types of citations were issued, including
21 speeding, and five accidents.

22 There were 23 verbal warnings as well as 22 written warnings and 5 citations.

23 In response to Dr. Bularzik’s question regarding the frequency of the Sheriff’s Office patrolling
24 at Lely, it was anticipated that they would be there less now that school is back in session.
25

26 B. Community Signage Easement/Wildflower Way

27 Mr. Dorrill contacted Mr. Gelder via email on this issue but has not yet received an answer. It
28 concerned a potential sign easement at the intersection of the CDD’s access road and
29 Wildflower Way. Mr. Dorrill will continue to request an answer from Mr. Gelder. Dr. Bularzik
30 suggested that the sign be put where the tomato plants used to be, and Mr. Dorrill felt that it
31 would be better to have the sign on the main road, but he will check to see if an easement can
32 be obtained from Stock.
33

34 C. Update on Cross Connections

35 Christopher updated the Board, noting that this project was 95 percent completed and
36 anticipated it being done by October and turned into the County. Dorrill Management has
37 copies of all the forms in the office. Mr. Dorrill added that they are having discussions with
38 the County as to whether this will be an ongoing obligation. Mr. Pires has worked with the

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5 County Attorney as well. After several emails back and forth, it has been determined that the
6 County’s position is that all of the 1,850 units in Lely, and County wide, have to be re-inspected
7 every five years. The next inspection will be in 2025, and will be an ongoing issue. County
8 Counsel also advised Mr. Pires that the chairman of the County Commission’s authority to sign
9 the renewal agreement, or the amendment to the agreement, expires September 30. The
10 agreement needs to be signed by the Board and provided to the chairman of the Commission
11 so it can be signed before that date.

12 Mr. Pires suggested that the Board may wish to budget 20 percent each year to cover the
13 amount in 2025. He added that although he has not verified it, the County is stipulating that all
14 major use agreements are required to have re-inspections every five years.

15 Dr. Bularzik felt that this process was a great waste of money, as not all the homes in her
16 association, for example, were checked, and if they recheck the same homes in five years, that
17 is extra money spent on what was deemed in compliance five years previous. Mr. Pires
18 suggested that the County may want to check the ones that had not yet been tested. Cross
19 connection issues generally occur on new construction, and he therefore agreed that having to
20 retest homes that have not had any plumbing work done on them is an issue that should be
21 discussed with the County, but at this point they don’t have a choice.

22 After further discussion, Mr. Pires suggested that the Board authorize himself , Mr. Dorrill and
23 Mr. Carter to sit down with the County Utilities staff and the County attorney and discuss the
24 practical aspects of this. The Board agreed.

25
26 D. Year End Budget Amendment for Capital Projects

27 This item was in response to the intention Mr. Dorrill and Mr. Lee had to sit and discuss year
28 end cash flow, but at this point it does not appear that a budget amendment will be necessary.
29 There remains a \$100,000 payment to be made to the lake bank restoration contractor, as that
30 project is ready to be closed out. Mr. Dorrill wished to accomplish that before the end of the
31 fiscal year.

32 Mr. Dorrill indicated that they will get the first distribution from the tax collector before
33 Thanksgiving, but if there is a need for cash flow income, Mr. Dorrill will report that to the
34 Board at the October meeting.

35
36 E. Audit Renewal Letter

37 The audit fee has remained unchanged at \$16,500, which includes attending the meeting to
38 present the audit to the Board. **On a MOTION by Mr. Lee and a second by Mr. Ousley, the**

4
5 **Board unanimously authorized the engagement letter for Mr. Phillips for FY 2021.**
6

7 **SUPERVISORS' REQUESTS**

8 A. Thanks for Sunday Work

9 Dr. Bularzik thanked Mr. Carter and his crew for coming to the District on Sunday, the 13th, to
10 help take care of all the rainwater.
11

12 B. Storage Tank Update

13 Mr. Dorrill and Mr. Cole met and discussed this option, and a 1.5 million gallon concrete storage
14 tank would take most of the parcel adjacent to the overflow parking at the maintenance
15 building, and would cost in excess of \$1,200,000. Mr. Cole ran the numbers, and calculated the
16 amount of water during the dry season that is lost laterally out through the lake sides and into
17 the ground. He is preparing a document for the Board to look at, but the payback on the
18 storage tank investment and the debt incurred does not make sense for the District.

19 Mr. Cole is also preparing some information on resealing the lake with a clay liner, and the costs
20 associated with that. Mr. Lee noted that the last time they had an expert look at this option, it
21 did not appear to be cost effective either.

22 In response to Dr. Bularzik's question regarding water flow within the District, Mr. Dorrill noted
23 that it is designed for a 100-year storm event and ties to the control elevation at US 41.

24 Everything is mathematically worked back from that control elevation, so that all the grades of
25 all the drainage pipes throughout the District have enough positive gradient for water flow.
26

27 C. Sable Palms

28 Dr. Bularzik expressed her concern about these palms that seem to be leaning, and Mr. Carter
29 advised that he had spoken to McDonnell Landscaping about them, as they were the installer.
30 Some of the palms are tending to move towards the sun, and because of the way they are
31 planted, there are several tall, canopy trees behind them. The braces on the trees will
32 probably come off after hurricane season, but the landscaper advised that there was no
33 concern about the palms, the turning that they do at the top is natural as they look for more
34 sun. Mr. Carter advised that they will continue to watch them.
35

36 D. Street light at Wildflower

37 Dr. Bularzik asked what happened to the top half of this street light pole, and Mr. Carter
38 advised that they were waiting for the fixture, which will be put in as soon as it's received.

4
5 Four extra fixtures were ordered at the time so there will be backup when they are needed.

6
7 E. Public Records Requests

8 Mr. Pires indicated that they have had some requests for records come in that were not
9 necessary to respond to. Mr. Dorrill added that Mr. Pires has been very helpful in dealing with
10 some of the more unreasonable requests. Mr. Pires noted as well that the costs associated
11 with providing some of this requested material is consistent with the Attorney General’s office
12 opinion on this.

13
14 F. Towing Information

15 Materials from the Fire Board meeting were provided to the Board, and this is an add on
16 agenda item, but there were no members of the public to speak on it. If the Board wishes to
17 proceed, they can authorize the adoption of the resolution that was attached to the
18 memorandum, authorize the chairman to sign it, and attach Exhibit A which is the parking lot
19 and the roadway segment at the entrance to the maintenance building. Mr. Pires suggested
20 that the roadway coming in, the building and the parking lot be included in that Exhibit.
21 In response to Dr. Bularzik’s question regarding Section 1, Mr. Pires explained that this
22 references the section in the Statute on this issue. He added as well that Chapter 190 of the
23 Statutes is outdated and needs to be brought up to date, as much of the terminology has
24 changed since it was written in the ‘80s.

25 **On a MOTION by and a Dr. Bularzik second by Mr. Lee, the Board then unanimously**
26 **approved the Resolution regarding towing on the property outlined in Exhibit A.**

27
28 **ATTORNEY’S REPORT**

29 A. Notice of Rule Development

30 Mr. Pires requested the authorization of the Board to advertise the notice of rule development
31 as well as a hearing on the proposed rules of procedure for the November Board meeting.

32 **On a MOTION by Dr. Bularzik and a second by Mr. Lee, the Board unanimously approved Mr.**
33 **Pires’ request to advertise.**

34
35 **FINANCIALS**

36 The July month ending financials showed a balance of \$3,900,000 in cash, with an additional
37 \$9,700,000 in fixed assets less depreciation. Total assets of the District stood at \$13,700,000.
38 There were \$118,000 in payables noted.

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5 The income statement showed that all taxes have been received, at 96 percent of the
6 anticipated revenue. Although it will not be shown until the following month, the fourth
7 quarter CSA of \$293,000 was received, which was well over what was forecast. Next year the
8 CSA revenues are going to be very close to \$1,200,000.

9 There was nothing remarkable to note in the cost centers, but Mr. Dorrill did note that on the
10 water management side it will be over budget, due to chemical costs going up. Mr. Dorrill is
11 having staff check for possible miscoding, as there are also chemicals costs on the landscaping
12 side.

13 Total year-to-date expenses for this period were \$71,000 under budget, and both Mr. Lee and
14 Mr. Dorrill felt that they will have an undesignated fund balance close to \$250,000 at year's
15 end.

16 The capital contribution in support of the capital reserve fund, done this month, was \$615,000,
17 and the total in that reserve account is now over \$2,000,000.

18 Dr. Bularzik suggested that the community be made aware of all the work and upgrades the
19 Board and staff have done at Lely, while only increasing the LCDD fees twice in ten years' time,
20 one of which was very small.

21

22 Dr. Bularzik earlier asked about the ownership of the tract before the turn into the driveway to
23 the maintenance building, and Mr. Pires advised that it was owned by Stock Development, and
24 is probably part of the dog park, also owned by stock.

25 **On a MOTION by Mr. Lee and a second by Mr. Ousley, the financials were then unanimously**
26 **accepted by the Board.**

27

28 There was no public comment received, and with the note that the October meeting would be
29 held on the 21st, **the meeting was adjourned at 1:42 p.m. on a MOTION by Dr. Bularzik and a**
30 **second by Mr. Lee.**