

1                                   **LELY COMMUNITY DEVELOPMENT DISTRICT**  
2                                   **NAPLES, FLORIDA**  
3                                   **REGULAR MEETING OF THE BOARD OF SUPERVISORS**  
4                                   **October 21, 2020**

5   The regular meeting of the Lely Community Development District Board of Supervisors was held  
6   on Wednesday, October 21, 2020 at 1:30 p.m. at the LCDD Maintenance Building, Naples,  
7   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   Freddy Bowers, Director of Community Patrol  
17   Christopher Dorrill, Field Manager  
18  
19

20   **ROLL CALL**

21   All Board members were in attendance at the meeting.  
22

23   **INVOCATION AND PLEDGE OF ALLEGIANCE**

24   Mr. Dorrill offered an invocation, and the Pledge of Allegiance was recited in unison.  
25

26   **PUBLIC COMMENT**

27   No Public Comment was received at this time.  
28

29   **APPROVAL OF AGENDA**

30   The following items were added to the agenda: 7B, Status of LCDD Easement; 7C, Status of  
31   Cross checks, ; 7D, Streetlight light replacements; 7E, Dead Trees on Lely Resort Boulevard; 7F,  
32   Knocked down Palm Tree; 7G, Hedge Trimming on Palomino, and 7H, Status of attendance at  
33   next meeting. Item 4D was added as well, a discussion at Lakoya's request regarding a recent  
34   drainage storm event.

35   **With those additions, the agenda was unanimously approved on a MOTION by Mr. Lee and a**  
36   **second by Mr. Drum.**  
37

5 **APPROVAL OF MINUTES OF SEPTEMBER 2020 MEETING**

6 As it relates to the regular meeting minutes, **on a MOTION by Dr. Bularzik and a second by Mr.**  
7 **Ousley, the minutes were unanimously approved as submitted.**

8 As it relates to the workshop minutes, **on a MOTION by Dr. Bularzik and a second by Mr. Lee,**  
9 **the minutes were unanimously approved as submitted.**

10

11 **MANAGER’S REPORT**

12 A. Community Patrol

13 The report showed that it was an unusual month for both turtles and speeding tickets. There  
14 were 12 trespassing related reports involving individuals fishing within the residential and golf  
15 course lakes, all of which were nonresidents. There was also an unusual number of suspicious  
16 and loitering incidents, a couple of which involved coordination with the Sheriff’s Department.  
17 There were 13 EMS and traffic support incidents, but no serious injuries associated with them.  
18 In the course of the previous month the Sheriff conducted almost 40 traffic stops, with 28  
19 warnings and 10 citations with fines. There were three traffic accidents as well.

20 The Sheriff’s Department has been quickly responding to requests for assistance, and Mr.  
21 Bowers had been using the Zoom Hotline which has been very effective.

22

23 B. Health Insurance Renewal

24 As it relates to the Group Health Insurance policy, a very disappointing renewal increase of 27  
25 percent was received to the existing Blue Cross policy. Some of it related to a percentage of  
26 employees who have moved into a higher age demographic. That plan option was not  
27 acceptable to staff, and they have settled on a new carrier called All Savers, which is part of a  
28 larger network. Their references check out very well, and they have projected a 12 percent  
29 decrease over the current plan for essentially the same benefits.

30 Staff recommends for the 2021 fiscal year that the Board approve their program for \$136,750  
31 which represents about a \$61,000 over the similar plan with Blue Cross.

32 In response to Mr. Drum’s question, Mr. Dorrill indicated that they were affiliated with United  
33 Health Care, and Mr. Drum expressed concern that some doctors are not accepting United  
34 Health Care’s HMO plan. Mr. Carter indicated that this was a PPO plan, with several improved  
35 benefits.

36 Brown and Brown came to Lely and presented the information in Spanish and English to the  
37 employees, and the yearly out of pocket maximum went down. The only modest increase was  
38 in a certain tier of medicines. Staff will monitor the results and stay in touch with the account

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5 manager for this company to ensure that the program is working as expected. This program  
6 will go into effect on November 1.

7 For all other insurances, including liability and public officials, there was a separate set of  
8 coverages through Public Risk Insurance Advisors, and the Workers Comp did show an increase  
9 due to two on the job injuries. Mr. Dorrill did budget for this anticipated increase, and overall  
10 the balance of the increases is generally less than 5 percent. Cybercrime coverage is also  
11 included, as there have been instances of this in the City and County during the year.

12 **On a MOTION by Mr. Lee and a second by Mr. Ousley, the Board unanimously accepted the**  
13 **group health proposal with United All Savers, along with the package of other insurances**  
14 **through Public Risk Insurance Advisors at the amounts noted in the materials.**

15

16 C. Workshop Schedule Fiscal Year 2021

17 Mr. Dorrill recited the workshops held for fiscal year 2020, asking the Board if they had any  
18 suggestions for changes for the coming year. 2020 was unusual in that the COVID virus  
19 cancelled one meeting, and there were other topics that were covered in full over two months,  
20 such as Rules and Procedures.

21 Suggestions were made for 2021 workshops, and it was agreed that a landscape workshop on  
22 medians and an update on the work completed would be held in February. March will be a law  
23 enforcement workshop and April will be for transportation planning and construction. May and  
24 June will be for budget and hurricane preparedness workshops respectively. August will be a  
25 workshop on the Sunshine Law, and September and October usually involve public hearings for  
26 the final budget adoption. The approved workshop schedule will need to be advertized, and **on**  
27 **a MOTION by Mr. Lee and a second by Mr. Ousley, the Board unanimously approved the**  
28 **workshop schedule for Fiscal Year 2021 as noted above.**

29

30 D. Lakoya Storm Drain Issue

31 The September rains brought some street flooding in localized areas in the District, and  
32 particularly hard hit was the Lakoya neighborhood. Mr. Dorrill briefly noted the establishment  
33 of control elevations by the South Florida Water Management District, which is the point where  
34 the outfall for this community flows downhill into Rookery Bay.

35 The CDD owns and operates the weir at US 41, and they have been asked if they could reduce  
36 the control elevation for the weir. Mr. Dorrill felt that they could explore that, but reiterated  
37 that this has been predetermined throughout urban areas in all of South Florida in order not to  
38 impede someone else's drainage.

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5 The control elevation was established as a master drainage permit on the system that was set  
6 30 years ago. Mr. Lee advised that a problem will occur in the dry season if the height of the  
7 weir is reduced, and some of the lakes will run dry. This was an unusual storm, and while there  
8 was flooding, it bled off fairly quickly,

9 Mr. Dorrill added that Lely Resort is unusual, in that different components of the street  
10 drainage systems are owned by different entities. Lely Resort Boulevard is a public road and is  
11 owned by the Board of County Commissioners, while the drainage, catch basins and  
12 conveyance pipes are owned by the CDD which has drainage easements and bills of sale to  
13 them. When Lakoya was built, and the subdivision was platted, those drainage easements  
14 were reserved in favor of the Master HOA.

15 Before this meeting, Mr. Dorrill asked their field engineer to go up and make an inspection of  
16 the drains to make sure that things were being properly maintained and the catch basins  
17 weren't clogged, and things were still functioning. Mr. Carter advised that in certain areas the  
18 lakes came up so high that they didn't allow the streets to drain into the catch basin and into  
19 the lake, as the lake was too high. In theory, that caused the water to back up into the street.  
20 Mr. Carter was at Lakoya when this occurred, and the water was about halfway up everyone's  
21 driveway.

22 The water was at 6 and a half feet at the gauge at the weir, and a couple of days later it was  
23 down to about four feet, so two and a half feet drained in those couple of days. No issues were  
24 seen with the way everything worked, and the engineer explained that this was a 20 to 25 year  
25 rain event that occurred. The particular lake that drained the slowest is at the top of the hill, in  
26 simple terms, because all the water from that point flows down to the southeast until it crosses  
27 under US 41.

28 Joe Dvorak of Lakoya asked \*\*\* (inaudible) and Mr. Dorrill indicated that they can get that  
29 information. In response to his question, Mr. Lee advised that a weir is a dam, and is  
30 constructed of solid concrete in the area they are talking about. The resident asked if it could  
31 be constructed to raise and lower as necessary, and was advised that the weir in question is  
32 fixed, but there are mechanical weirs that are typically found in larger canals. There are several  
33 in the County.

34 Mr. \*\*\* advised that he had taken the picture of the flooding, and indicated that the flooding  
35 had happened during the last hurricane as well. The reasons for that flooding were briefly  
36 discussed, and involved debris in the drains. This gentleman described the amount of flooding  
37 that was present, and a brief discussion was had regarding the dynamics of the weir and how  
38 the flow of water works on it.

5 Herman Wipperfurth addressed the Board, indicating that he was an engineer himself and had  
6 spoken to the engineer as well as another gentleman regarding the South Florida Water  
7 District, and understood the difficulty of getting them to approve something. He added that  
8 FEMA was also involved in this, and water at his home on Trento Circle was at the garage walls.  
9 According to what has been published, apparently we are in a cycle with weather and the  
10 environment which affects rainfall and storms. It is a serious situation, and if catastrophic  
11 flooding can be prevented, they should look closely at what that could be, which may be  
12 enlarging the lakes or draining them before a significant storm. Another suggestion would be  
13 to cut the weir down two feet, and then put two four-foot adjustable walls on top of it.  
14 The Board members discussed what this process would entail, and Mr. Lee indicated that he  
15 liked this idea, and suggested that they have the engineer look at it.

16 Mr. Dorrill asked that the Lakoya or Master Association compile the various amendments and  
17 certifications at the time Lakoya was constructed, and he would have the District engineer  
18 review them to make sure they coincide or mesh with the master drainage permit. Once again,  
19 he noted that the Master HOA owns the Lakoya drainage system.

20 At that point they can have Mr. Cole to prepare an analysis of whether building some flood  
21 gates to the fixed weir at US 41 would be successful. Mr. Dorrill noted that he and Mr. Carter  
22 would be happy to be in charge of receiving any of the surface water certifications that are part  
23 of the public record. The entire community is represented by the engineering firm of Hole,  
24 Montes, who will do this work.

25 Mr. Dorrill did not feel that the Southwest Florida Water Management District would change  
26 the control elevation, as they are more concerned about the aquifers and groundwater tables  
27 during the dry season. But flood control gates may be an effective solution as they could be  
28 opened prior to a storm event.

29  
30 **ATTORNEY'S REPORT**

31 A. Harvey Meek vs. LCDD Settlement Demand

32 The Board received copies of the proposed settlement offer received from the District  
33 insurance company regarding the accident that occurred at the end of 2018. An employee who  
34 was working on the right-of-way pulled out into Lely Resort Boulevard and did not see an  
35 individual riding a bike the wrong way on his right. The bike struck the front and side of the  
36 utility vehicle and the man fractured his ankle.

37 Because of the injury there was a police report, and the Sheriff's Department cited both  
38 individuals involved. There appears to be an opportunity to settle this, which the insurance

5 company is recommending, in an amount of \$20,000. Mr. Pires has reviewed the settlement  
6 offer and recommends approval as well.

7 **On a MOTION by Mr. Lee and a second by Mr. Ousley, the Board unanimously approved the**  
8 **offered settlement agreement in an amount not to exceed \$20,000, as recommended by the**  
9 **senior claims specialist with the underwriter.**

10

11 **FINANCIALS**

12 The 11<sup>th</sup> month financials showed \$3,950,000 in cash, and there was some construction in  
13 progress noted associated with the parking lot expansion. Total current assets stood at  
14 \$4,043,000 against \$89,000 in payables. Total assets of the District were an additional  
15 \$9,700,000 representing the depreciable or non-depreciable assets, bringing that number to  
16 just a little less than \$14,000,000.

17 The income statement showed that all third party accounts were current, including the Collier  
18 County School Board, the Board of County Commissioners, and the Arlington and Astor. The  
19 fourth quarter CSA payment has been received from the Master HOA, the largest ever received  
20 at \$292,000. Year-to-date CSA revenues are almost \$1,100,000.

21 With the exception of some very minor overages there was nothing unusual noted, and all of  
22 the cost centers on the expense side at the end of 11 months totaled \$2,250,000, which was  
23 \$133,000 under budget, which Mr. Dorrill gave Mr. Carter credit for. The line of credit has not  
24 yet been drawn upon, and probably will not have to be.

25 Dr. Bularzik asked about the capital reserve fund, and Mr. Dorrill explained that every year they  
26 make a payment in support of that reserve. That contribution will show in the September  
27 statement. A contribution into the capital reserve fund was budgeted in the amount of  
28 \$615,000 this year, which is the primary reason that the line of credit was not drawn on.

29 Dr. Bularzik also asked why the overtime budget was over, and wondered if more people  
30 needed to be hired. Mr. Dorrill felt that some of that was probably storm cleanup, and there  
31 were perhaps some special projects. He agreed that year-to-date they were about \$9,800 over  
32 budget. He expected it to be about \$8,900 over budget at the end of the fiscal year, as salaries  
33 were lower due to some vacancies, which will offset part of that amount.

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

36

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5 **SUPERVISORS' REQUESTS**

6 A Lely Master Association Budget and Turnover Proposal

7 Dr. Bularzik advised that the budget provided by the Master HOA went up by \$180,000 this year  
8 over the previous year. The different proposals were outlined, and the Stock meeting is to be  
9 held the following day at 11:00 a.m. People are able to dial in and listen to the meeting, but no  
10 one is allowed to speak.

11 Two people are allowed to attend, Dr. Bularzik and Susan \*\*\*\*, and they have prepared a  
12 number of questions and will be allowed to speak. Two of the biggest concerns are the 2017  
13 lawsuit between the Master and the CDD, and they want to make sure that the \$467,000 that is  
14 left will go to the Turnover Committee. Phillippe has indicated that this will be the case, but Dr.  
15 Bularzik wanted to hear this from Stock.

16 Their other concern was why some of the money was not used to offset the budget, rather than  
17 doing such a large increase, but Phillippe was told not to touch the money.

18 Currently the Stock Board has three members, and they are paid to do this job. The committee  
19 wished to increase the Board to seven members, and if it doesn't happen now, they will have to  
20 jump through several hoops to accomplish this. A precedent was set recently on this issue  
21 when at takeover the community was allowed to increase the Board number, and Dr. Bularzik  
22 hopes that it will happen in this case.

23 The \$5,500 for the Streetscape Plan that was put in the budget was also a concern to Dr.  
24 Bularzik, as they were just going to install a line of palms. They would like to work with Mrs.  
25 Goetz to do the cluster planting, to keep this in line with the rest of the streetscape plans.  
26 Mr. Lee noted that the amount left in the budget was close to \$490,000, and it appears that it  
27 has gone down by about \$15,000, probably in legal fees and charges from outside companies.  
28 It was suggested that this amount of money be watched closely to make sure that no more of it  
29 is spent before the turnover.

30 Dr. Bularzik will advise the Board of what took place after the meeting through Mr. Dorrill.  
31

32 B. LCDD Easement

33 Mr. Dorrill has had a difficult time reaching Mr. Gelder to discuss this, and apparently after the  
34 Board turned down an offer of a piece of land that was in bad disrepair a few years ago, Stock  
35 does not appear to want to give them this easement.

36 The Board could consider condemning that easement as they have those powers, but that could  
37 be more trouble than it is worth. The sign could be put up at the western property line of the  
38 driveway if the Board wished.

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5 C. Cross Checks

6 Christopher Dorrill reported that all the cross checks have been completed, and were turned  
7 into he and Mr. Carter at the end of September. The County came out and picked up their  
8 copies, and there is a set at Dorrill Management as well.

9 Apparently there is some rechecking being done, but the District has complied with its  
10 obligations on this issue.

11

12 D. Further Questions on Turnover

13 Mr. Dvorak from Lakoya asked when the turnover was scheduled to happen, and Dr. Bularzik  
14 advised him that she had been told of several different approximate dates, and hoped to get a  
15 definitive answer at the meeting the following day.

16 This resident then felt that there may be some leverage with the flooding in Lakoya with Stock  
17 as it was his final development at Lely and Mr. Dorrill explained what the process would be and  
18 what actions would have to be taken to ensure that the infrastructure is consistent with the  
19 original design and the permit requirements. If not, there may be some recourse. Mr. Lee  
20 added that after turnover the County Commission has to sign off on it, so that can be held up if  
21 something needs to be done.

22

23 E. Street Light Repairs

24 Mr. Carter advised that they are waiting for the lights to come in.

25

26 F. Dead Trees

27 Two trees were hit by cars, and a third just died. McDonnell is aware of this and will take care  
28 of it.

29

30 G. Hedge Trimming

31 Apparently, the area on Wildflower Way that needed trimming is not an issue for the District.

32

33 **ADJOURNMENT**

34 The November meeting is scheduled for the 18<sup>th</sup>. The meeting was then adjourned at 3:00 p.m.  
35 **on a Motion by Mr. Drum and a second by Mr. Lee.**

36

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38