

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **Regular Meeting of the Board of Supervisors**
4 **July 21, 2021**

5 The regular meeting of the Lely Community Development District Board of Supervisors
6 was held on Wednesday, July 21, 2021, at 1:30 p.m. at the LCDD Maintenance
7 Building, Naples, Florida.

8 **SUPERVISORS PRESENT**

9 William Lee, Chairman

10 Anne Marie Bularzik, Vice Chair

11 Kenneth Drum, Supervisor (via Speakerphone)

12 Gerry Campkin, Supervisor

13 Frank LoMonte, Supervisor

14 **ALSO PRESENT**

15 Neil Dorrill, Manager, Dorrill Management Group

16 Kevin Carter, Operations Manager

17 Tony Pires, District Counsel

18 Freddie Bowers, Director of Community Patrol

19 Christopher Dorrill, Field Manager

20 Kevin Dowty, Hole Montes

21 **INVOCATION/PLEDGE OF ALLEGIANCE**

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

23 **PUBLIC COMMENT**

24 No public comment was received at this time.

25 **ROLL CALL/APPROVAL OF AGENDA**

26 All Board Members were in attendance, with Mr. Drum appearing via speakerphone.

1 **APPROVAL OF JUNE 2021 MINUTES**

2 As it relates to the Workshop:

3 Mr. Lee noted that Mr. Drum's participation via speakerphone should be added under
4 Board appearances, and Mr. Pires asked that Mr. Drum's participation fully via
5 speakerphone due to exceptional circumstances and approval by the Board should be
6 added to the Workshop Minutes.

7 **On a MOTION by Dr. Bularzik and a second by Mr. LoMonte, the Workshop**
8 **minutes were unanimously approved as amended.**

9 As it relates to the Regular Meeting:

10 As it relates to the Regular Meeting:

11 On Page 4, Line 7, the sentence should begin with "A resident...".

12 Mr. Pires noted that once again, on the first page after the roll call, it should be inserted
13 that the Board unanimously approved Mr. Drum's participation via speakerphone due
14 to exceptional circumstances.

15 On Page 6, Line 15, the gentleman's name is Leon Weaver.

16 **MANAGER'S REPORT**

17 **A. Community Patrol**

18 There was a total of 64 incident reports made in June, with a few bear and alligator
19 related incidents as well. There was also a suspicious person that resulted in an arrest.
20 There was a total of nine suspicious instances, and several no trespass situations, the
21 majority involving non-residents. There were 14 EMS assists or stand-by's, and a total
22 of 15 written citations and twice that many warnings issued for traffic infractions.

23 Dr. Bularzik thanked the Lely CDD patrol men, who have done a remarkable job in
24 helping to keep the Community safe.

25 **B. Pump Station Control Bids**

26 This was the rebid for the digital irrigation controls and electrical improvements at the
27 pump station. Only one bid was received which was generally in line with the proposals
28 that were previously approved. It does include some additional training costs, and

1 there are some necessary electrical upgrades that are recommended to be done to this
2 ageing system.

3 Staff recommends awarding the bid to Stahlman England, who was the lowest and most
4 responsive bidder. The base bid was \$277,325, and the additional work for the
5 electrical improvements was \$9,600. A 5 to 10 percent contingency fund was also
6 suggested. Kevin Dowty from Hole Montes was present to answer any questions. The
7 budgeted amount for this project was \$200,000, and the balance will come from the
8 contingency reserves.

9 Mr. Drum asked if any part of this system will have internet access, as his concern is
10 with hacking. They do use the internet connection at Mr. Carter's office, and there is a
11 relay from the pump station to it. Any additional firewalls or protections that the District
12 wishes to purchase are available. It is not necessary to have those as they are part of
13 the software.

14 Mr. Dorrill advised that they do have an IT vendor, and he will have those additional
15 enhancements evaluated beyond what is provided by the manufacturer. Mr. Drum is
16 concerned about this, and Drum will contact the IT vendor as soon as possible.

17 Dr. Bularzik asked about the major pros and cons between getting a new system and
18 continuing to work with this one. Kevin Dowty advised that if this new system is not
19 purchased, the old one presently in place will continue to be outdated, and any issues
20 will eventually snowball as the pumps and other parts become less efficient. There are
21 original parts of the system that can no longer be replaced, which would then require
22 piecemealing pieces together, which may not work.

23 The top enhancements in the new system would include the ability to know of issues or
24 alerts as they arise, which they don't have now. Fixing any of these old parts is not a
25 matter of replacing it but having someone who knows these old pieces do their best to
26 get them running again.

27 **On a MOTION by Mr. Campkin and a second by Dr. Bularzik, the Board authorized**
28 **the Chairman to sign a contract with Stahlman England in the amount of**
29 **\$286,925, which includes the add alternate, and the associated budget**
30 **amendment which includes these funds. The contract has one addendum which**
31 **will require the contractor to establish E-Verification through the Boarder Patrol**

1 **Website. The MOTION passed 4 to 1 with Mr. Drum voting against it until such**
2 **time as the additional security information is obtained.**

3 **C. Entry Signage Update**

4 Hole Montes looked into this for the Board, and Kevin Dowty reported to the Board that
5 they looked at two different areas for this sign, noting that the area on Wildflower did not
6 have enough room for the type of sign that they were looking at.

7 They looked at an area on the entrance drive to the facility, which was shown on the
8 schematic. The County requires that any sign must have a ten-foot offset from the
9 property line, which in this case would block the back flow preventer which is not

10 allowed. However, there seemed to be a good spot between the back flow and the tree,
11 adjacent to the first parking space. Ultimately, unless Stock is willing to give them a sign
12 easement, which up to now he has not, that area cannot be used.

13 Dr. Bularzik felt that a new, improved sign for this area is important, not only for esthetic
14 reasons but to show the professionalism and pride that exists at Lely. Mr. Campkin felt
15 that if a sign cannot be read from Wildflower Way, it defeats the purpose of having one.

16 **After further input from the Board members, on a MOTION by Mr. Campkin and a**
17 **second by **** (inaudible) the Board approved getting a right-of-way permit for a**
18 **directional sign such as those currently existing in Lely, and a no access sign for**
19 **the area that leads to the pump station on a vote of four to one with Dr. Bularzik**
20 **voting against it.**

21 Further action on this will be deferred until a change in Stock's position occurs.

22 **D. Royal Palm Relocation Quote**

23 There are four Royal Palms located at the intersection of Grand Lely and Celeste which
24 were put there years ago. They need to be relocated as part of the Triangle Boulevard
25 improvements, and the cost to move all four would be \$2,960. These trees are worth
26 between \$3,500 and \$5,000 apiece.

27 Mr. Dorrill wanted it to be on the record that they are going to be moved to a different
28 place in Lely. Apparently, there were allegations in the past that some Royal Palms had
29 been stolen by one of the developers, and Mr. Dorrill did not want any
30 misunderstandings about these trees to occur.

1 Staff's recommendation is to relocate those four Royal Palms, at the cost noted.

2 Mr. Lee advised that there were some Royal Palms knocked down near Ole, going
3 south on Celeste on the left had side. (Mr. Lee's comments inaudible.)

4 Mr. Drum asked If they could be sold, as developers are always looking for those trees
5 to buy. Mr. Dorrill noted that they would have to be certified as free from disease, and
6 then sell them as surplus property.

7 **On a MOTION by Mr. LoMonte and a second by Dr. Bularzik, the Board**
8 **unanimously approved moving the four Royal Palms located at the intersection of**
9 **Grand Lely and Celeste at a cost of \$2,960 to avoid them being removed by the**
10 **County during construction work in the area.**

11 Mr. Carter will advise Ole of the Board's actions.

12 **ATTORNEY'S REPORT**

13 **A. Stormwater Legislation**

14 Mr. Pires advised the Board that the Legislature has recently passed some legislation
15 that will apply to the District, and he felt it was an effort on the part of the State to have a
16 better understanding of the condition of the stormwater and other capital infrastructure
17 in the State of Florida.

18 Many bills were passed by the Legislature earlier in the year but were held until the last
19 minute for the Governor's signature. This particular one was effective on July first. It
20 requires the District to prepare a 20-year needs analysis in five-year increments as it
21 relates to the stormwater system. This will be delivered to the County on June 30 of
22 2022, and every five years the same exercise will be required. The County will receive
23 all of these reports, analyze them and provide them to the State within a month.

24 There are ageing pipes all around the State, and there have been some breaks in these
25 30-to 40-year-old systems. This is something that all the districts in the State are going
26 to have to address. Mr. Pires added that the State has a loan program for water
27 management, wastewater facilities and so on, and they can use this document to
28 determine eligibility for loans and bonds,

29 In response to Dr. Bularzik's question, Mr. Dorrill indicated that the District's civil
30 engineer will be doing the work involved in this project and will be asked to do an
31 inventory of the drainage related assets or facilities, with a general description of them

1 and the general status of their functionality. Mr. Dorrill noted as well that the District has
2 nothing to do with the wastewater facilities, and all that were built were conveyed to the
3 County.

4 Mr. Pires added that there was a component in this bill that requires historical and
5 estimated future revenues and expenses which does not apply to the District. A scope
6 of services will have to be prepared for this project and a fee proposal obtained, which
7 Mr. Dorrill will then bring to the Board for approval.

8 **B. Resolution for Manager's Emergency Contracts**

9 This item relates to the Manager's primary responsibility to preserve, protect, and
10 defend the District's assets in the event of an emergency. This Resolution provides the
11 Manager with the ability to make decisions in the best interest of the District in the event
12 of valid public emergencies. It also gives the Manager the ability to make emergency
13 disbursements to pay for these contracts, and these emergency actions would be noted
14 in the regularly scheduled meeting of the Board. This Resolution applied to Kevin Carter
15 as well.

16 **On a MOTION by Dr. Bularzik and a second by Mr. LoMonte, the Board**
17 **unanimously authorized the Resolution as outline above.**

18 **C. Trip and Fall Incident**

19 Mr. Pires advised the Board that their insurance carrier has retained counsel in this
20 case and has been keeping Mr. Pires updated on its status.

21 **FINANCIALS**

22 The May 31st Financials showed approximately \$4,930,000 in cash, with \$2,100,000 of
23 that amount sitting in the reserve. There is \$10,000.000 in fixed assets, which includes
24 the hardscape and the Lely Freedom Horses with the associated infrastructure and
25 irrigation assets within the community. Total assets stood at \$15,100,000 against
26 \$46,000 in accounts payable at the end of May.

27 The income statement showed \$10,267 having been received during the month of May
28 for non-ad valorem assessments. Mr. Dorrill felt that these proceeds were from the
29 delinquent tax auction that occurred in May and were transferred to the District by the
30 tax collector. Total non-ad valorem assessments year-to-date was \$2,401,000, 96.5
31 percent of the total anticipated revenue for the year.

1 The CSA revenues were received and are current through the first three quarters of the
2 year, and all expense cost centers are below budget. Irrigation water continues to track
3 high, and even with May being a very dry month, \$169,000 has been spent on irrigation
4 water year-to-date which is about \$40,000 over budget. However, it is now the rainy
5 season, and the lakes and canals are full.

6 Total operating expenses for the eight months in question was \$1,688,000 which is
7 \$95,000 below budget. This will offset the extra amount to be spent on the new irrigation
8 controls. Year-to-date the District is \$199,000 below budget, with excess revenues over
9 expenditures.

10 **On a MOTION by Dr. Bularzik and a second by Mr. Campkin, the Board**
11 **unanimously accepted the Financials as presented.**

12 **SUPERVISORS' REQUESTS**

13 **A. Conservation Area Behind Masters Reserve**

14 Mr. Dorrill noted that this was a separately platted parcel that was a condition of the
15 original zoning and was intentionally created to be a separate preserve that is not part
16 of the District's water management operating permit. The deed for that tract is held by
17 the Master HOA. To whatever extent the Master Association wants to improve or
18 replant that area with littoral wetland plants, it would be a very nice amenity to that
19 neighborhood, and a good project for the new residential Board if they chose to
20 prioritize it.

21 Mr. Dorrill indicated that he would be happy to introduce the new Master Board to both
22 of their aquatic vendors, and one of them, Earth Care, does very good work and has
23 their own native plant nursery. The District, however, has no responsibility.

24 **B. Curb Painting**

25 These roads are owned by the County, and Mr. Carter indicated that he had spoken to
26 that County department maintenance division about this. They were very
27 accommodating and indicated that they would put the District on the list. Mr. Carter was
28 not given a date when they would get to it, but was told that sometimes it does coincide
29 with repaving, which is done on all roadways on a five-year plan. Mr. Carter will follow
30 up with them to see if a date for the work can be determined.

1 **C. Dead Tree on Triangle**

2 This tree is outside the road right-of-way, within an area owned by one of the Lely
3 Development companies. It is a very big slash pine that looks susceptible to falling
4 over, but the owners have been nonresponsive about taking the tree down. Mr. Pires
5 advised that they need a license agreement to take it down, and under Florida Law if
6 they take on this duty without that agreement, they take on the liability. No decision was
7 made on this.

8 **D. Sidewalk Grinding**

9 This is an ongoing project, and Dr. Bularzik thanked Mr. Carter for taking care of this
10 issue which could be a hazard.

11 **E. Golf Carts**

12 There is a dead tree located at the back exit, apparently part of the Boff Group's
13 property, and there have been attempts to contact him about taking it down. Mr. Carter
14 noted that it is a very large pine tree that will be susceptible to falling over during a
15 hurricane. Mrs. *** indicated that they will reach out, as they have had communications
16 with Mr. Boff in the past.

17 Dr. Bularzik noted that there are an additional two dead trees that need to be taken
18 down and that they are the responsibility of Mr. Drum's HOA. Mr. Drum agreed that the
19 HOA will have to send out a notice, and the trees will have to be taken down at the
20 expense of the owners.

21 **ADJOURNMENT**

22 Mr. Dorrill advised that the August 18 meeting to be held at 1:30, was a very important
23 one, where the public hearing will be held for the coming year's budget. The budget will
24 be adopted and then transmitted to the tax collector to merge onto the tax bill. The
25 planned Sunshine Workshop was deferred to September or October. **On a MOTION by**
26 **Dr. Bularzik and a second by Mr. Campkin, the meeting was adjourned at 2:36**
27 **p.m.**