

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **Regular Meeting of the Board of Supervisors**
4 **January 19, 2022**

5 The regular meeting of the Lely Community Development District Board of Supervisors
6 was held on Wednesday, January 19, 2022, 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
- 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 **INVOCATION/PLEDGE OF ALLEGIANCE**

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

22 **PUBLIC COMMENT**

23 No public comment was received at this time.

24 **ROLL CALL/APPROVAL OF AGENDA**

25 All Board Members were physically present.

26 Dr. Bularzik took this opportunity to thank Mr. Carter for the beautiful flower plantings in
27 the District.

1 As it relates to the Agenda, the following items were added:

2 9A. Schedule for Painting Weir and Bollards

3 9B. Lake Bank Erosion Policy

4 9C. Election of New Officers

5

6 **On a MOTION by Mr. Drum and a second by Mr. LoMonte, the Board unanimously**
7 **approved the Agenda as amended.**

8 **APPROVAL OF DECEMBER 2021 MINUTES**

9 On Page 5, Line 25, *** (Correction Inaudible)

10 On Page 8, Stantec is the correct spelling

11 Under Item C, the South Florida Water permit conveyance, Mr. Pires noted that there
12 were a number of cases where it was indicated that a notice of violation was received.

13 He advised that no notices of violation were received, only emails, and those should be
14 corrected.

15 Those corrections are on Page 3, Line 21; Page 4, Line 5, affirm should read amend; on
16 Page 6, Line 15, notice of violations should read emails, Page 5, Line 26, with should
17 read was on Page 6, Line 6, the fifth word should be deleted, and on Page 8, Lines 25
18 and 26, the repeated phrase beginning with "and Mr. Pires suggested..." should be
19 deleted.

20 **With those corrections the minutes were unanimously approved by the Board on**
21 **a MOTION by Dr. Bularzik and a second by Mr. LoMonte.**

22 **MANAGER'S REPORT**

23 **A. Community Patrol**

24 There were 100 reportable incidents cited by the District patrol, including 22 trespassing
25 incidents involving illegal fishing, 19 of those being nonresidents. There were a series of
26 gate and safety issues related to unusual fog, as well as a series of automobile
27 accidents, one being serious enough to close both inbound lanes on the Boulevard.
28 There was also a serious accident involving reckless driving that resulted in an arrest,
29 as well as an assault on a Sheriff's deputy that occurred at Lely Elementary School.

30 There was a total of 39 citations of a traffic nature and some additional warnings, as
31 well as some DUIs. There were a series of criminal mischief events that occurred as

1 part of the Sheriff's Department report, that Mr. Dorrill felt that the Sheriff was doing a
2 very good job with respect to traffic enforcement at Lely.

3 In response to Dr. Bularzik's question, Mr. Dorrill advised that the report from the
4 Sheriff's Office is made available to Lely as a professional courtesy due to the great
5 relationship Mr. Bowers has with the East Naples Substation Commander.

6 **B. Irrigation Controls Update**

7 Mr. Carter walked Mr. Dorrill through the new digital controls that were being installed, a
8 few weeks previously, which were approximately 60 percent complete at that time. Work
9 is ongoing, and Mr. Carter reported that they are scheduled to shut down the system for
10 FPL on the 24th, the following Monday. This will be done with the County as the permit
11 must be finalized at the same time. If all goes well, Mr. Carter felt that they should be
12 operational by the Thursday following that date.

13 The irrigation water pumps will be shut down from Monday, the 24th to Thursday, the
14 27th. Mr. Carter will send an email to the President's Council advising them of the dates
15 of the shutdown. All the equipment is in and is ready to go, and Mr. Dorrill noted that as
16 of now, it appears that the project will be completed within the original schedule. There
17 have been no change orders, and none are expected. Mr. Carter added that once they
18 are operational, a dedicated person will come to Lely on the day after the installation to
19 provide Mr. Carter and two of his employees with a training session. Mr. Carter does not
20 expect it to be complicated.

21 **C. Lely Resort Master Association**

22 Mr. Dorrill reported on the meeting that was had with the Master Association and their
23 counsel as a result of an offer made by Mr. Pires. He felt that it was productive and
24 noted as well that the CDD was able to make their position clear as it relates to the
25 wetland preserves which historically have been the responsibility of the landowner or
26 the Master HOA.

27 Mr. Pires noted that most of the conversation was treated as confidential settlement
28 discussions, but there were two points that he felt could be discussed.

29 Mr. Dorrill advised that they made the point that it was not reasonable for one group of
30 residents to be suing another group of residents with everyone's money, and that the
31 CDD currently provides 95 percent of all the public works services to the community.
32 Mr. Pires felt that the HOA Board had two areas of interest to discuss, including the

1 grass at the entrance at Collier Blvd, which they would like to have removed due to the
2 cost of upkeep. They also understood that the CDD had the experience and knowledge
3 and did not have to pay sales tax which the HOA must pay. Mr. Pires also noted that
4 certain conservation areas were something the HOA would like the District to take care
5 of, and Mr. Pires indicated that the District Board would talk internally about that and
6 come back with a recommendation on it.

7 Mr. Dorrill added that the HOA generally recognized that the CDD only maintains those
8 areas that are public and are within the platted road right-of-way. The HOA noted that a
9 few palms trees were planted within that right-of-way in front of Sussex Place, and the
10 CDD offered to take a look at that. Mr. Dorrill felt that there was a separate parcel which
11 serves as a landscape berm in front of Sussex, but they will see what that entails.

12 Present at the meeting were both counsels, both managers, the CDD Chair and HOA
13 President. Mr. Pires noted that they will discuss those topics with the LCDD Board and
14 will be kept updated.

15 **ATTORNEY'S REPORT**

16 **A. Resolution Supporting Community**

17 Mr. Pires advised that he had drafted the proposed resolution, and Mr. Dorrill indicated
18 that this will be Resolution 1 in the new fiscal year. This is a resolution of support for the
19 community in opposition to the proposed PUD amendment. In the fifth whereas, Mr.
20 Pires put in that the streets that would be impacted were Tiger Lily Drive and Lely Island
21 Circle, and he suggested that the streets be corrected to read Tiger Lely Blvd. and
22 Celeste Drive, and Dr. Bularzik suggested that Lely Island Circle be left in as it will be
23 impacted as well.

24 **A MOTION was then made by Dr. Bularzik and seconded by Mr. LoMonte to**
25 **approve Resolution 2022-01 in opposition to the proposed PUD amendment.**

26 Mr. Drum then asked if there was anything noted about the speed limits on these roads,
27 and Mr. Pires noted that the zoning ordinances don't regulate speeding issues, and the
28 County has adopted 30 miles per hour without signs. However, the County Commission
29 has a traffic calming approach, and upon the request of those impacted by speeding in
30 that neighborhood, the County can send staff out to determine if a roadway should have
31 a higher or lower speed limit based on traffic amounts and speeds, which would allow
32 the County Commission to make a resolution to revise the speed limits on a roadway.

1 Mr. Drum noted that originally there was a 20 mile-per-hour posted speed limit on Lely
2 Island Circle, but two years ago they were told that the State required the speed limit to
3 be at least 25 miles per hour. He added that if the speed limit is 30, people will go 40
4 miles-per-hour, and the State then left it at 20. Mr. Drum did not feel that Lely Island
5 Circle could take an increase in speed, as during the season there are close to 3,000
6 cars a day on that one stretch. Mr. Drum felt that leaving it as the State did two years
7 ago would be best.

8 **The Board unanimously approved the MOTION.**

9 Once the Resolution is finalized, it will be sent to Commissioner McDaniel and the
10 Planning Staff at the County. Mr. Pires then added that he would send it to all the
11 commissioners.

12 **FINANCIALS**

13 As of November 30, two months into the fiscal year, the balance sheet showed
14 \$4,465,000 in cash, with a line item called "Construction in Progress," noted which
15 represented the value of the partial payment for the irrigation controls, which is
16 considered a current asset.

17 There were \$135,000 in payables on the liability side, and almost \$600,000 was
18 received during the course of the month, in non-ad valorem assessments, which
19 represents about 22 percent of the total annual revenues. The first payment of the CSA
20 was received during the month of November, which was on schedule. Total revenues
21 for the month were at about \$900,000. Mr. Dorrill also noted that only \$900 was
22 received from the bank in interest income from a very large deposit.

23 Noting the various cost centers on the income statement, Mr. Dorrill advised that
24 engineering was over budget, largely due to the work that Mr. Cole was doing with
25 respect to the South Florida Water Management permits. There was also many
26 seasonal purchases for fertilizer, chemicals and annual flowers, and the same was true
27 for water management, where the prepurchase of herbicides and algaecides was noted
28 at the beginning of the year. Total operating expenses were only \$59,000 over budget,
29 which will quickly balance out.

30 Mr. Drum asked what the increases in fertilizer were and some of the other seasonal
31 purchases are expected to be as time goes on. Mr. Carter agreed that prices have gone
32 up, and he expected them to continue to increase. With one of the chemical purveyors

1 the District has a commitment on the bid that was accepted, which is keeping some of
2 the pricing in good shape, but there is always going to be an annual increase.

3 As the look into the new budget discussions, Mr. Dorrill advised that they will prepare a
4 forecast which the Board will see at the May Workshop. By that point, they will be
5 halfway through the fiscal year, and Mr. Dorrill will have a better idea as to any
6 projected increases. The unknowns are the purchase agreement with the irrigation
7 water from the County, which does not adopt its new rates until October, and the other
8 is group health insurance, which does not replace until September or October. The
9 water agreement may be something they can work with the County Budget staff on to
10 see what they are forecasting for the irrigation water rate increase. Mr. Dorrill added that
11 they may be able to do a combined bid with Pelican Marsh to obtain a better price for
12 fertilizer and ground cover. He noted as well that the Board wisely puts \$650,000 aside
13 per year for capital improvements which provides a good cushion in the event of
14 unexpected events.

15 **The financials were then unanimously accepted on a MOTION by Mr. Campkin**
16 **and a second by Mr. Drum.**

17 **SUPERVISORS' REQUESTS**

18 Dr. Bularzik thanked Mr. Carter and his staff again for the beautiful flower plantings this
19 year, and additionally for coming in on the Sunday following the tornado and removing
20 all of the downed trees and branches.

21 **A. Repainting of Weir Fencing and Bollards**

22 Mr. Carter advised that they do have an individual in the District who does this type of
23 painting work, but he was out for vacation and then became ill, so he has not been here
24 to catch up on work that needs to be done. The paint has already been purchased and
25 as soon as he is back that work will be done.

26 **B. Dead Tree**

27 Dr. Bularzik advised that the dead tree discussed the previous month where the Kmart
28 was located was still in place and has not yet been removed.

29 **C. Lake Bank Erosion**

30 Mr. Drum asked if a written, adopted policy regarding what determines lake bank
31 erosion was in place. One of Mr. Cole's points was the nine-inch drop, and several other

1 things as well, and how it needed to be fixed. It would be helpful while discussing the
2 issue with the HOA to have it written down and adopted by the CDD so the HOA could
3 better understand what constitutes this condition on the lake sides. Mr. Lee pointed out
4 that they do have the criteria written down and adopted, and it was shared with the HOA
5 about two years previously. They did do one lake bank in Tiger Island, and \$90,000 was
6 budgeted for the past year, but Stock did not schedule any work.

7 Mr. Dorrill will pull the overview and survey performed by Mr. Cole and share it with the
8 Board members. Mr. Carter also has a five-year capital improvement program which will
9 be incorporated into the new budget this year of \$150,000, and a determination will be
10 made on the lakes that need lake bank erosion work. Mr. Drum felt that it would be
11 appropriate to have a written policy adopted by the Board, and Mr. Dorrill suggested
12 that they have a place holder for a February Workshop, and if the Board wished to, that
13 time could be used for the lake bank erosion discussion. The Board agreed that this
14 should be done and that will be the topic for the February Workshop, which usually
15 covered landscaping. Dr. Bularzik suggested that the map prepared by Mr. Carter
16 showing all the lakes in the District and who owns them be brought to the Workshop as
17 well.

18 D. Election of Officers for FY 2022

19 **On a MOTION by Mr. Campkin and a second by Mr. Drum, the following positions**
20 **were agreed to by the Board: Chair, Dr. Bularzik, Vice-Chair, Mr. LoMonte,**
21 **Treasurer and HOA Liaison, Mr. Lee, and Secretary, Mr. Dorrill.**

22 Mr. Lee was thanked for his service to the Board, and then received a round of
23 applause.

24 PUBLIC COMMENT

25 Ron ***, a resident of Ole, thanked the Board for their opposition to the zoning change,
26 and appreciated the fact that the Presidents Council also opposed it. Secondly, he
27 asked what the protocol was for flushing and maintenance of the fire hydrants in the
28 various communities, and who was responsible for that. Dr. Bularzik advised that it
29 varied in different communities, and apparently when turnover happen the communities
30 are given the option to have the Fire Department take care of them, or take care of them
31 within the community, and the different communities chose different options.

32 Dr. Bularzik suggested that this resident contact, Susan Vicedomini, as she is
33 responsible for advising the communities on how this should be done.

1 This resident also asked Mr. Carter if there were any plans for weeding and mulching
2 the area of 951 as it is “weedy,” and trash tends to blow into that area. Mr. Carter
3 advised that they are going to be working on that wall, and it is an ongoing process to
4 keep the weeds sprayed, which they will stay on top of.

5 Finally, the resident asked if any community was successful in having any money
6 awarded to them in this recent 2022 US Department of Agriculture Forestry Division,
7 administered through the State of Florida for landscape beautification. Ole sent in the
8 application but was unsuccessful. The Board members had not heard of this program,
9 and Mr. Dorrill noted that they could explore it, but were unaware of it.

10 Mr. Dorrill noted at this point, their local Senator, Kathleen Passidomo, is the President
11 of the Florida Senate this year, and as a result, is the third most powerful politician in
12 the State, and only the second female President of the Senate in this State.

13 **ADJOURNMENT**

14 The next meeting will be on February 16th, beginning at 1:00 p.m. with a Workshop on
15 Lake Bank Restoration. **On a MOTION by Mr. Campkin and a second Dr. Bularzik,**
16 **the meeting was adjourned at 2:25 p.m.**