

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **Regular Meeting of the Board of Supervisors**
4 **March 16, 2022**

5 The regular meeting of the Lely Community Development District Board of Supervisors
6 was held on Wednesday, March 16, 2022, at 1:50 p.m. at the LCDD Maintenance
7 Building, Naples, Florida.

8 **SUPERVISORS PRESENT**

9 Anne Marie Bularzik, Chair
10 Frank LoMonte, Vice-Chair
11 William Lee, Treasurer, HOA Liaison
12 Kenneth Drum, Supervisor
13 Gerry Campkin, Supervisor, (via speakerphone)

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 Terry Cole, District Engineer

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. Campkin participating via
27 speakerphone. **On a MOTION by Mr. Lee and a second by Mr. Drum, Mr. Campkin's**

1 **full participation via speakerphone was unanimously authorized by the Board due**
2 **to exceptional circumstances.**

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

4 9A. Thank you to ***

5 9B. Stock Land Parcel

6 9C. Weir Fence Painting

7 9D. Master HOA Agreement

8 9E. GIS Monitoring Mapping System/Irrigation

9 9F. Fish Kill in Lake at Lely Island Estates

10

11 **APPROVAL OF FEBRUARY 2022 MINUTES**

12 On Page 2, Line 5, Mr. Pire's name was misspelled and corrected.

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

15 **MANAGER'S REPORT**

16 **A. Community Patrol**

17 There was some animal activity reported, including an alligator, and Mr. Bowers also
18 reported that a resident had reported seeing a python several times, but as it was not
19 present when Mr. Bowers spoke to her, he forwarded the information to Fish and
20 Wildlife.

21 There were nine trespasses for fishing activity within the District maintenance
22 easements, all non-residents, and there were forty clays found in the woods where
23 some skeet shooting had taken place. There was one stalking incident which proved to
24 be unfounded.

25 There were ten automobile accidents in the District, none with injuries. There was one
26 DUI related arrest, along with a total of 42 verbal or written warnings or citations issued
27 over the course of the month.

28 Dr. Bularzik commented on the increase in the number of warnings and citations that
29 the Sheriff's office is giving and noted appreciation for their work.

1 **B. Budget Amendment 2022-1**

2 This Resolution 2022-1 was more the purpose of reflecting that the originally budget
3 capital improvement project from the previous year for the irrigation controls was
4 delayed due to equipment being backordered.

5 This resolution will reflect the transfer of funds as it will be expensed and capitalized in
6 the current year. This amount was not budgeted to roll forward, so the entire amount,
7 \$301,710, will be transferred from the capital reserve into that portion of the budget.
8 That project is complete.

9 **Mr. Lee then made a MOTION to authorize Budget Resolution 2022-1 for an**
10 **amount of \$301,710 to be transferred into the capital account to pay for the**
11 **irrigation controls project.**

12 Mr. Drum then asked if this would be the last transfer out of the capital reserve for this
13 fiscal year, and Mr. Dorrill advised tat he is not contemplating any further work, unless
14 there are change orders associated with the lake bank project, or is some other issues
15 arises. This is money that was originally budgeted the previous year in the amount of
16 \$284,000, but they are including some of the engineering costs associated with this.

17 **Mr. Drum seconded the MOTION, which was unanimously approved by the Board.**

18 **C. Irrigation Controls Updates**

19 This project has been completed, and they are in the process of making the final
20 payment that will also include the release of liens. This last payment is contingent upon
21 Mr. Carter receiving the operations manual and any warranty certificates or other items
22 that would be pertinent to any claims.

23 Mr. Carter briefly reported that the project went very well, noting that they were offline
24 from Tuesday until Friday as planned. The biggest issue was waiting for FPL coming to
25 re-energize the power.

26 The system that was installed was as it was described, and it is doing a great job. Staff
27 is able to go in via cell phone or computer where they can observe the gallons per
28 minute and pressure and run reports on what happened during the night. After
29 installation the vendor was at Lely three or four times to check on the system to make
30 sure that everything was working properly.

1 Mr. Drum asked about the shutdowns that seem to happen frequently, and Mr. Carter
2 advised that the system was shut down when there were some main line breaks. Mr.
3 Dorrill advised that they are in the process of undertaking a major upgrade on a long
4 stretch of pipe. Mr. Carter added that it is only shut down when there is a line break,
5 and they had contemplated turning it down on Fridays when there is no watering. At
6 this point they have not decided to do that.

7 In response to Dr. Bularzik's request for an explanation of these main pipelines, Mr.
8 Carter explained that there are a number of these lines that come out of the pump
9 station to provide water to all the communities. There are different sized pipes for
10 various communities, and the biggest issue with them is age. Secondly, these pipes
11 sit directly on lime rock, and eventually will wear out in areas with the slight movement
12 that occurs.

13 Some bids have been obtained for the replacement of some pipes, but Mr. Carter
14 advised that there will be a great amount of work involved as these pipes go deep
15 underground in certain spots. The golf course will have to be shut down, and areas of
16 the pavement will have to be dug up and replaced as well. The bids came in from
17 \$150,000 to \$300,000. Mr. Cole added that in talking to some of the contractors, they
18 found out that PVC piping has gone up over four times in the past year.

19 **ATTORNEY'S REPORT**

20 **A. License Agreement**

21 The revised draft of the enhanced wetlands reserve easement areas, license and
22 maintenance services agreement was provided to the Board, and there were several
23 items redlined where the Board wished to have changes made. Mr. Pires asked the
24 Board if they had any further questions and noted that he will get the South Florida
25 Water Management District permit number from Mr. Cole.

26 Dr. Bularzik noted that the agreement is labeled Lely Resort Master Property Owners
27 Association, Inc., a Florida not for profit association, et cetera, and she felt that it should
28 be called the Master POA, rather than HOA. Mr. Pires will make that change.
29 throughout the document in all locations.

30 Dr. Bularzik also asked about the plat, (question inaudible) and Mr. Pires indicated that
31 he had highlighted the two wetland areas that are at issue, and they tie back into the
32 Lely Resort plat, and are shown on the aerials which he pointed out to Dr. Bularzik. Mr.
33 Cole will provide a map as well which lines these two areas up with areas 5 and 6.

1 Dr. Bularzik also asked about the remuneration for cleaning up these areas from the
2 HOA that was mentioned during a previous discussion on this issue. Mr. Pires noted
3 that this was still an open question, as to whether the HOA would pay the actual
4 maintenance costs or a 15 percent administrative fee.

5

6 Mr. Dorrill asked Mr. Lee to speak to this issue as he had coordinated a meeting with
7 the president of the Master HOA where all these important issues were identified. The
8 other issue was the Collier Boulevard Bermuda grass entry maintenance as well. Mr.
9 Dorrill felt that a comprehensive agreement for all these areas and issues would be
10 the best approach.

11

12 Mr. Lee agreed with Mr. Dorrill that the agreement should be for all the areas in
13 question as opposed to piecemeal, and added that nothing has been done in the
14 preserve behind Ole, as the Master was responsible for it, but the maintenance was
15 never done.

16

17 Mr. Dorrill felt that the most important issue to be addressed at this point was the
18 preserve behind Ole, as it is the subject of a potential enforcement action possibly
19 against the CDD and the HOA, rather than the original developer. He suggested that
20 they are trying to have the District show a willingness to be the sole provider
21 of maintenance services to the community, and that is what they are working
22 towards, and the next step may be to show the HOA's attorney this proposed license
23 agreement and perhaps reach a resolution on the other outstanding matters.

24 (Inaudible portion)

25 With the consensus of the Board, Mr. Pires will make the new versions and provide
26 them to Dr. Bularzik, Mr. Dorrill, Mr. Coke, and Mr. Carter. He will then send the
27 revised draft with the key proposals and exhibits to the HOA counsel. Mr. Dorrill
28 asked that Mr. Pires to add that there are other items that are equally important to the
29 CDD Board that they would like to have addressed as well.

30

31 Mr. Dorrill noted that they will probably want to incorporate any new responsibilities
32 into the CSA as an amendment, so those individuals will also be paying their fair
33 share. After some further discussion, Mr. Pires will draft the agreement with the
34 Board's suggestions and get copies to them.

35 **ENGINEER'S REPORT**

36 Mr. Cole advised that he had been contacted and asked to look at and prepare some
37 information about Lakes 4 and 9 in Tiger Island Estates. They had done some research

1 on this about ten years earlier and identified that these lakes needed \$1.5 to \$2 million
2 worth of work to be done. The Master had done some work in both lakes 4 and 9 over
3 the last couple of years, and Mr. Cole was asked to look at them again to see if anything
4 else needed to be done before the Master turned them over to the CDD.

5 The CDD had originally agreed to take over these lakes once all the repairs were done,
6 and when Mr. Cole went out and looked, he noted 110 feet of riprap repairs that are
7 needed on the west side of lake 9. Pictures were shown of this area, and there is a very
8 steep lake bank where a residence is located. The CDD would not accept that. There is
9 another area close that needs riprap as well. Mr. Cole will speak with the contact person
10 at the HOA and suggest that when the contractor for the CDD comes, he will look at the
11 work that needs to be performed to prepare for the lake's turnover. Mr. Cole added that
12 roughly a year ago he had given a proposal to the Master HOA for the work, and they
13 chose not to proceed with it.

14 Some other areas that needed work were also shown and the map Mr. Cole had
15 showed that the original lake 9 was dedicated to the Master HOA as a drainage
16 easement on the Lely Resort Phase I Plat. Lakes 9a and 9b were dedicated as part of
17 the Tracks c and d, to the Lely CDD as a drainage easement by the Tiger Island Estates
18 plat.

19 There have been two or three phases of repairs done on lake 4 by the Master HOA, and
20 there is one area that needs attention; it is dedicated to the Master HOA again by the
21 Lely Resort Phase I Plat.

22 **FINANCIALS**

23 The four-month financials to the end of January showed \$5,842,000 in cash at that
24 time. The item titled Construction in Progress is how the pro rata share of the
25 irrigation project was booked as it was underway.

26 Total current assets stood at \$5,935,000 against \$21,843 in payables.

27 Ad valorem assessments received in the month of January were \$128,000, most of
28 which were probably received in late December and booked in January.

29

30 Total year-to-date revenues were at 94 percent, or \$2,261,000 against the annual
31 budget of \$2,563,000. The second quarter CSA payment was received during the
32 month of January in the amount of \$299,447.

33 Total revenues for the month of January were then noted to be \$429,000.

34

1 Some of the areas on the expense side were slightly over budget, such as year-to-
2 date engineering fees. Most of Mr. Cole's fees incurred during that time were
3 related to the irrigation controls project. The budget amendment the Board
4 approved today will adjust that and will be shown on the March statement.

5
6 On the water management side, year-to-date chemicals were over budget, and Mr.
7 Carter advised that it has been very difficult to get some chemicals due to the
8 supply chain problems, and when they were able to source some of these items
9 they stocked up on them.

10
11 Irrigation year-to-date was noted to be about \$27,000 over budget, but it was
12 noted as well that less water will be used during the summer rainy season. With
13 more people moving into the area, more water will become necessary, and Mr. Lee
14 advised that this line item will have to be increased for the coming year.

15 The Board will address this at the budget workshop in May.

16 The total operating expenses year-to-date were about \$46,000 over budget, and
17 Mr. Dorrill expected to be able to give the Board a better forecast at the May
18 meeting.

19
20 Dr. Bularzik asked about the capital outlay charges, and Mr. Dorrill advised that
21 this related to expensing the irrigation control project. A big increase will be seen
22 the following month as a result of approving the transfer of money with the budget
23 amendment earlier in the meeting.

24
25 **On a MOTION by Mr. Lee and a second by Mr. Drum, the financials were**
26 **unanimously accepted by the Board as presented.**

27 SUPERVISORS' REQUESTS

28 A. Thank you to *** Fernandez

29 Dr. Bularzik's comments inaudible

30 B. Stock Land Parcel

31 Dr. Bularzik spoke about the parcel of land owned by Stock that residential units are
32 being planned for. She noted that this parcel is still zoned commercial and has to pass
33 with a super majority of the Commissioners, four out of five, to change it from
34 commercial to residential. The James Foundation is working on the plans, but they do
35 not own the property yet. Dr. Bularzik showed a schematic of the first plans they have

1 done for this development, which shows access and agress only on Celeste. This will
2 greatly increase traffic in the communities within the District. They are planning a four-
3 story building, 184 units with 1, 2, and 3 bedrooms, with 370 parking spots. Dr. Bularzik
4 asked those present to keep updated on what is going on, and to verbalize their
5 concerns to their County Commissioners.

6 Mr. Pires added that the last iteration of the proposal amendment on this parcel would
7 be to allow C3 commercial uses and/or residential. Although this may change, right now
8 the proposed amendment is for C3 uses, and to add the residential component.

9 **C. Weir Fence Painting**

10 This painting will be done as soon as the man who does the work has the opportunity to
11 do so.

12 **D. Wildflower Way Repaving**

13 Mr. Carter advised that the repaving is substantially finished all the way to St. Andres.
14 The crew will be back to do the striping.

15 **E. GIS Mapping**

16 This item was previously discussed.

17 **F. Fish Kill**

18 Mr. Drum noted that fish kills are not a new problem, as these are retention ponds that
19 are sometimes used improperly. There were several dead fish in this pond, and it drew
20 buzzards to the area to feed. Mr. Drum asked if they knew what the cause of the fish kill
21 was and felt it should be investigated.

22 Mr. Lee felt that the biggest problem was the lack of rain, as rain would get the lakes
23 moving. Mr. Dorrill added that an algae bloom can rob the water of oxygen, and they
24 can check the water quality if necessary to see what is going on. Mr. Carter added that
25 the last big fish kill they had was around Hurricane Irma, and at times the high winds
26 can displace water and bring bottom water to the surface and cause a drop in oxygen
27 levels as well.

28 Mr. Dorrill felt that some random water sampling could be done, given that it is the late
29 spring, and algae blooms do occur at this time of year. They can also measure salinity,
30 phosphorus, and nitrogen, as they tie back to fertilizers. He will bring this information
31 back to the Board. Mr. Carter noted that the aerators in the lakes were working.

1 **PUBLIC COMMENT**

2 No public comment was received.

3 **ADJOURNMENT**

4 The next meeting will be April 20th at 1:30 p.m. **On a MOTION and a second, the**
5 **meeting was adjourned at 2:46 p.m.**