

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **Regular Meeting of the Board of Supervisors**
4 **July 20, 2022**

5 The regular meeting of the Lely Community Development District Board of Supervisors
6 was held on Wednesday, July 20, 2022, at 1:30 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

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 in attendance. Two members joined the meeting remotely.

1 **The Board unanimously approved to allow the two supervisors to join the**
2 **meeting by phone on a MOTION made by Mr. Campkin and a second by Mr.**
3 **LoMonte.**

4 **APPROVAL OF MINUTES**

5 On Page 3, Line 18 it should be noted that Ms. Brakefield advised the following from Mr.
6 Pires as to reflect that the entire Attorney's report was given by Ms. Brakefield on behalf
7 of Mr. Pires.

8 **On a MOTION made by Mr. Lee and a second made by Mr. Campkin the minutes**
9 **were unanimously approved by the Board as amended.**

10 **MANAGER'S REPORT**

11 **A. June Community Patrol**

12 It was a busy month with trespassing reports at Lely. Mr. Dorrill explained that these
13 typically refer to fishing activity near the southern portion of the community on the two
14 large lakes and that non-resident activity is categorized on the report. Mr. Bowers noted
15 that the high number of trespassers was unusual and could have been encouraged by
16 factors including high waters, big fish, and school being out for the summer. He also
17 added social media can encourage this activity when people post the large fish that they
18 have caught.

19 Mr. Dorrill recognized the initiative that officers took this month from recovering an iPad
20 found in a median and locating the owner to helping a resident with memory issues who
21 was found wandering lost. There were 61 total traffic stops that resulted in a citation or
22 verbal or written warnings. There was one that resulted in arrest and three arrests total
23 this month.

24 **B. Lake Bank Restoration**

25 There was a good turnout at the preconstruction meeting that was held last month with
26 the Master's Reserve, Palomino, and Majors associations. The project was started at
27 lake 53 located in the Majors, adjacent to the golf course and some homes. There have
28 been no issues working with the golf course during this project. It will probably take
29 three more months to finish the project. Mr. Carter noted that it is moving along well and
30 there have not been issues.

1 **C. Audit Engagement Letter**

2 This is for authorization for the Chairman to sign the Audit Engagement Letter for next
3 year Mr. Pires had two minor edits to add required wording regarding E-Verify and
4 Public Records. The scope of services and fee remain unchanged from this current
5 year. Mr. Dorrill recommended approval.

6 **On a MOTION made by Mr. Lee and a second by Mr. LoMonte the Board**
7 **unanimously authorized the Chair to sign the agreement subject to the two**
8 **changes by Mr. Pires.**

9 **D. License Agreement Update**

10 Mr. Dorrill received a letter advising that the Master Property Owners Association (POA)
11 will be revising the landscape entry off Collier Blvd. Under a right of way permit
12 landscape maintenance is historically the CDD's responsibility. Around 15 years ago
13 there was a desire on the part of stock development to revise and install the Lely
14 Freedom Horses that resulted in Bermuda grass. The District historically did not have
15 the golf course type of mowers required for this grass. One of the golf and country
16 club's groundskeepers would mow it with their golf course grass equipment and be
17 compensated back by the Master POA

18 Along the same lines as the potential for future work involving Mr. Pires license
19 agreement, this grass will be replaced with a more traditional, low maintenance sod
20 called Floratam at the expense of the Master's POA. The CDD will maintain the
21 Floratam sod moving forward. Mr. Lee noted that currently they have about \$7,000 in
22 their budget allocated for this area. Mr. Carter indicated that a time frame for this
23 replanting project has not been given, the POA was firstly looking for permission to
24 move forward. No motion was necessary as this update was purely informational. Mr.
25 Dorrill will communicate with the Master's property manager and indicate that this
26 project was reviewed with no objections.

27 **ATTORNEY'S REPORT**

28 Mr. Pires noted that he still needs to follow up with Mr. DeBoest regarding the issue with
29 the 15 percent administrative fee in the Master POA agreement and would do so within
30 the following week. Mr. Pires suggested that they communicate with the South Florida
31 Water Management District to make sure that an extension on the resolution of this
32 issue was in place. Additionally, Mr. DeBoest will be advised that the 15 percent

1 administrative fee is typically used and was modeled after the one in place at Pelican
2 Marsh. Mr. Lee added that in reality they will only be paying 8 percent, as they will be
3 saving 7 percent on sales tax which the District is not required to pay. Mr. Pires agreed
4 that this was an important point and one that was not generally noted.

5 **FINANCIALS**

6 The eight-month financials ending May 31 balance sheet showed \$5,150,000 in cash,
7 almost evenly split between the operating and reserve account. The reserve amount is
8 \$2,707,953.80 which Mr. Dorrill noted to be very strong for any CDD he knows of in
9 South Florida.

10 As a side note Mr. Dorrill pointed out the Lely Freedom Horses located under the fixed
11 asset section. On Sunday, July 24, the Freedom Horses will be turning 30 years old with
12 their original installation date in 1992. He knows this because he recently received a
13 request from a commercial photographer in New York asking for permission or copyright
14 associated with the Lely Freedom Horses. Mr. Dorrill corresponded with Ms.
15 Goodnight's husband who is her business manager in Colorado. She is active as an
16 artist and her copyright on the statues is near the hoof on the horses. The intellectual
17 property of the images of the horses belongs to the CDD to do with as they see fit. Ms.
18 Goodnight's husband said that she continues to consider the Freedom Horses one of
19 her signature pieces of art and keeps up with them via the internet. She believes that
20 Lely CDD has done a great job of maintaining them.

21 Mr. Lee pointed out the \$900 worth of interest that has been earned. He also noted that
22 the CSA revenue showed to be \$7,978.38 short. He questioned why this was and
23 suggested that if the shortage is accurate, the amount needed should be added when
24 sending the invoice for the final quarter. Mr. Dorrill believes that when the budget was
25 initially approved there was a reduction in the number of total equivalent dwelling units
26 because of a change in one of the parcels in the commercial area. He continued that
27 the anticipated revenue may be overstated but based off the final ERU count that was
28 received from Alice Carlson, one of the commercial properties was downsized in terms
29 of the number of units assigned to it. He said that he would follow up as to why this was
30 with Mrs. Coleman in his accounting department.

31 The income statement showed almost \$14,400 in non-ad valorem assessments having
32 been received. Representing the amount of nearly 10 assessments. This money either
33 resulted out of delinquency payments, the auction, or went to certificate sale and were
34 paid by an investor at the time the taxes were sold. Mr. Lee noted there were three

1 certificate sales in the daily paper. Historically, the commercial properties pay their
2 taxes on time.

3 The CDD being over budget is primarily due to the market rate pay adjustments.
4 Engineering is over budget due to the issues confronting the CDD with respect to the
5 South Florida Water Management District, the discussion about license agreements,
6 and normal civil engineering associated with lake bank restoration. Unsurprisingly, fuel
7 prices are \$13,000 over budget. Total year-to-date operating expenses are about
8 \$150,000 over budget. About three quarters of that is from the special pay adjustments.
9 Near the end of the year, Mr. Dorrill will ask the Board to approve a budget amendment
10 particular to the adjustments made to salaries, irrigation water, and the cost of fuel that
11 was not originally forecast. Overall, the CDD is about \$6,800 under budget.

12 **On a MOTION made by Mr. Campkin and a second by Mr. Drum, the financials**
13 **were accepted by the Board.**

14 **SUPERVISORS' REQUESTS**

15 **A. Public Hearing Date**

16 Dr. Bularzik asked for clarification on the Public Hearing date as it was announced to
17 be held on August 18 last meeting, but the notice received in the mail by residents
18 stated the date to be August 19. After Mr. Dorrill confirmed with his office, it was
19 determined that the resolution previously signed establishing the public hearing date
20 was in fact for August 19, 2022, at 1:30 PM.

21 **B. Preapplication Meeting Request**

22 Mr. Pires shared with the Board, just for information, that a preapplication meeting
23 has been requested with the county for a planning and development amendment to
24 add a food truck park as an allowable use in freedom square plaza. No further
25 information or data was available at this time.

26 **C. Lake Algae**

27 Mr. Campkin noted that there has been no measurable rain for six days and as a
28 result all the lakes are covered with algae. Mr. Carter explained that they have
29 sprayed all the lakes and that the algae is dead. Rainfall is needed to break up the
30 algae and allow it to sink to the bottom of the lake.

1 **PUBLIC COMMENT**

2 No public comment was received at this time.

3 **ADJOURNMENT**

4 The next meeting will be August 19, 2022 at 1:30 p.m. **On a made a MOTION by Mr.**

5 **Dorrill the Board unanimously moved to adjourn the meeting at 2:19 p.m.**