

1                   **LELY COMMUNITY DEVELOPMENT DISTRICT**  
2                                   **NAPLES, FLORIDA**  
3                   **Regular Meeting of the Board of Supervisors**  
4                                   **December 21, 2022**

5   The regular meeting of the Lely Community Development District Board of Supervisors  
6   was held on Wednesday, December 21, 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, POA 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   **ROLL CALL**

23   All supervisors were in attendance.

24   **PUBLIC COMMENT**

25   No public comment was received at this time.

1 **APPROVAL OF AGENDA**

2 Dr. Bularzik added flowers, pothole, Division of Elections letter, Master POA meeting  
3 update, and Cordoba issue to the agenda. **On a MOTION by Mr. Lee and a second by**  
4 **Mr. Drum, the agenda was approved with these additions.**

5 **APPROVAL OF NOVEMBER MINUTES**

6 On page 4 line 3, Mr. Pires bonus should be corrected from \$4,000 to \$2,000. **On a**  
7 **MOTION by Mr. Lee and a second by Mr. Drum the minutes were approved as**  
8 **amended.**

9 **MANAGER'S REPORT**

10 **A. November Community Patrol**

11 There was a total of 62 reported incidents throughout the month. There were 15  
12 trespasses, 14 were non-residents. There were 9 different suspicious incidents. Mr.  
13 Bowers said they were all standard. There were 34 warnings and 6 citations that  
14 entailed fines. There was a total of 5 accidents which is higher than normal. 2 were  
15 serious and resulted in injuries. There was 1 arrest at the high school which has  
16 become commonplace for drug related offenses.

17 **ATTORNEY'S REPORT**

18 **A. Master POA**

19 Attorney Pires shared that the Master association is under new management with the  
20 firm Cardinal Management. The Master POA meeting is scheduled for December 29<sup>th</sup> at  
21 9 am at Mr. Pires' office. The Master contacted the SFWMD for another extension to try  
22 to figure out this issue. They were granted until the end of February.

23 This is the issue where the Water Management District has implied that either the CDD  
24 or the Master POA have unfulfilled obligations as a result of a permit that was issued  
25 with respect to exotic control, particularly at the large preserve area behind the Ole  
26 community. Mr. Dorrill did some research and found that the permit is a permit that  
27 stock development pulled to construct the extension of Grand Lely and make  
28 improvements to Lely Cultural Parkway. Somehow, they have tagged the environmental  
29 resources permit for the construction of those two roads to old preserve areas that are  
30 not the responsibility of the Master POA but are still owned by one of the affiliate groups  
31 of the Lely Development Corporation. The District's contention has been that those  
32 areas have never received exotic removal before, during the development phase. The  
33 main issue is who is going to be responsible for the exotic removal and the perpetual  
34 maintenance of that particular preserve in addition to the other ones in the community.

1 Mr. Drum mentioned that the District had several unaddressed items with the previous  
2 management company of the Master HOA. He asked if these could be discussed with  
3 the new management company so they can be familiar with the issues affecting the  
4 CDD and Master Association. Mr. Pires said that this could be presented to them at the  
5 December 29<sup>th</sup> meeting after the SFWMD portion. Mr. Drum wants them to have a clear  
6 understanding of what makes the Master responsible for vs. the CDD.

#### 7 **B. Cordoba**

8 Cordoba was replatted in 2014 from 50 units to 48 units. The Master HOA and CDD  
9 were not aware of this. Cordoba presented the documentation for the re-plot in  
10 November to the Master who then turned to the CDD and requested a refund on their  
11 behalf for the overpaid CSA charges. Mr. Pires believes that Cordoba can look back 5  
12 years on this issue if based on written instrument or 4 years if not. Mr. Pires will look at  
13 the CSA agreement. Since the agreement is between the Master HOA and CDD, the  
14 District may not be responsible for the refund as they are not the money collecting  
15 agent. The Master collects the money and informs the CDD on the number of units to  
16 charge.

17 The number of units will be changed on the invoices as it was confirmed that the  
18 number from the Master was incorrect, and the correct number of platted lots is 48. The  
19 billing issue was not the fault of the District which is why Mr. Dorrill believes that the  
20 initial payment needs to come from the Master and if the District decides to jump in after  
21 that, they can. The issue will not be worked out individually between the LCDD and  
22 Cordoba as the District's CSA contract is not with the individual association of Cordoba,  
23 the District's agreement is with the Master HOA. If the Master has the desire to  
24 reimburse them for those two extra assessments, then the District's Board could decide  
25 if they would credit or reimburse the Master.

26 Mr. Drum mentioned a previous situation with Cordoba years ago where they requested  
27 a number of concessions, and the District provided them. Mr. Dorrill believes the District  
28 vacated their interest from a pathway that was never constructed. This enabled the  
29 developer to complete either the initial or amended plat. Mr. Dorrill said that him and Mr.  
30 Pires can look back at the history and nature of the original property request.

#### 31 **OCTOBER FINANCIALS**

32 The overall cash position at the end of the first month of the new fiscal year, prior to  
33 receiving any money for the new fiscal year was \$4.35 million against \$276,126 in  
34 payables. Most of this charge was for the lake bank restoration. The non-ad valorem

1 assessments that are paid before the tax bill is even mailed is typically attributed to  
2 people who have taxes and insurance escrowed as a condition of their mortgage.  
3 Interest income has increased. Mr. Dorrill is looking into the property appraiser fees. A  
4 few years ago, the District received credits from the property appraiser after being  
5 overcharged. \$40,000 was budgeted for the year but only \$5,400 has been associated  
6 with that invoice. He wants to inquire if they are still paying with credits. Total operating  
7 expense year to date is under budget by about \$6,000 which is to be expected. **On a**  
8 **MOTION by Mr. Drum and a second by Mr. Campkin the financials were accepted.**

9 Mr. Dorrill's staff found a transposition error in the fiscal year 2023 adopted budget on  
10 the revenue side for anticipated CSA fees. The rate of assessment as adopted by the  
11 Board was accurate. The budgeted anticipated CSA fees, because of the transposition  
12 error, were less than what they would have been if they were paying the same rate as  
13 the CDD assessments. Mr. Dorrill will share more about this at the next meeting and  
14 correct the amount for the January CSA invoice accordingly.

## 15 **SUPERVISORS' REQUESTS**

### 16 **A. Flowers**

17 Dr. Bularzik complimented the staff on the flowers.

### 18 **B. Pothole**

19 As you are approaching the five horses, there is a large pothole in the left lane. Mr.  
20 Carter was notified of this and has reached out to Collier County to have it filled.

### 21 **C. Division of Elections Letter**

22 Dr. Bularzik thanked Mr. Dorrill's office for taking care of this.

### 23 **D. Master POA Meeting Update**

24 Mr. Carter attended the last Master meeting. They highlighted that their 558 report  
25 which is what they have been working on is going to be finalized on January 6th. Their  
26 annual meeting is set for March 27th. They shared that they chose Cardinal  
27 Management as their new company beginning in February and that their budget  
28 increased 30% from the previous year.

### 29 **E. Cordoba HOA Issue**

30 This was addressed in the attorney's report.

1 **F. Street Lighting**

2 Mr. Campkin asked for an update on the street lighting. Mr. Carter explained that the  
3 line under the road got burned out and is in the process of being fixed. They have been  
4 getting a lot of the lights back on and only have a few remaining. It takes a lot of digging  
5 and time to be fixed but they are being worked on.

6 **PUBLIC COMMENT**

7 No public comment was made at this time.

8 **ADJOURNMENT**

9 The next meeting will be January 18th at 1:30 p.m. **On a MOTION by Mr. Campkin and**  
10 **a second by Mr. Lee, the meeting was adjourned at 2:15 p.m.**