

1                   **LELY COMMUNITY DEVELOPMENT DISTRICT**  
2                                   **NAPLES, FLORIDA**  
3                   **Regular Meeting of the Board of Supervisors**  
4                                   **November 15, 2023**

5    The regular meeting of the Lely Community Development District Board of Supervisors  
6    was held on Wednesday, November 15, 2023, at 1:30 p.m. at the LCDD Maintenance  
7    Building, Naples, Florida.

8    **SUPERVISORS PRESENT**

9    William Lee, Chair

10   Gerry Campkin, Treasurer

11   Anne Marie Bularzik, Secretary

12   Kenneth Drum, Supervisor via Speakerphone

13   **ALSO PRESENT**

14   Neil Dorrill, Manager, Dorrill Management Group

15   Kevin Carter, Operations Manager

16   Tony Pires, District Counsel

17   Freddie Bowers, Director of Community Patrol

18   Christopher Dorrill, Field Manager

19   **INVOCATION/PLEDGE OF ALLEGIANCE**

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

21   **PUBLIC COMMENT**

22   No public comment was received.

23   **ROLL CALL/APPROVAL OF AGENDA**

24   Three supervisors were present in person establishing a quorum. **Mr. Drum was**  
25   **unanimously approved to attend the meeting by phone due to exceptional**  
26   **circumstances on a MOTION by Dr. Bularzik and a second by Mr. Campkin. On a**  
27   **MOTION by Dr. Bularzik and a second by Mr. Campkin, Mr. LoMonte's resignation**

1 **letter due to health reasons, dated November 9<sup>th</sup>, was acknowledged as received**  
2 **and is under immediate effect.**

3 Dr. Bularzik added an update on the Master POA's quarterly invoice, road conveyance  
4 status, curb painting status, and election of officers for 2024 to the agenda. Mr. Lee said  
5 that election can take place next month. Mr. Pires clarified that under Florida Law, once  
6 the Board fills the vacancy of Mr. LoMonte an election of officers will have to take place  
7 at that time. He suggested waiting until that time instead of doing it twice. Mr. Lee added  
8 Christmas Bonuses and the Grand Lely Drive and Rattlesnake intersection to the  
9 agenda.

10 **On a MOTION by Dr. Bularzik and a second by Mr. Campkin, the agenda was**  
11 **unanimously approved as amended.**

## 12 **APPROVAL OF MINUTES OCTOBER 2023**

13 Page 1 line 23 Karen's last name is spelled Risch

14 Page 1 line 27 capitalize Drive

15 Page 1 Mr. LoMonte and Mr. Christopher Dorrill not present

16 Page 2 line 5 three supervisors present not four

17 Dr. Bularzik noted that the September Community Patrol report was distributed by Dr.  
18 Bularzik as discussed at the last meeting.

19 **On a MOTION by Dr. Bularzik and a second Mr. Campkin, the minutes were**  
20 **unanimously approved as amended.**

## 21 **MANAGER'S REPORT**

### 22 **A. October Community Patrol**

23 There was a bear sighting around Ole along with an alleged python report. Mr. Bowers  
24 shared that they set a trap out for the python, but nothing has been caught. On Friday  
25 October 6th one of the County's main waterlines ruptured adjacent to the Saratoga  
26 community. On the attached law enforcement report there were 122 stops for traffic  
27 violations. There were 87 written warnings or citations/fines. The remainder were verbal  
28 warnings. There were three arrests. One medical emergency occurred resulting in an  
29 arrest as result of drug related issue. Dr. Bularzik asked about October 9th as there

1 were 10 different events at Lely Highschool Blvd. Mr. Bowers said the number of stops  
2 depends on who was posted there and if there have been complaints about the driving  
3 in that particular area. Mr. Drum asked about the birdwatchers and if they were going to  
4 be a problem. He had read that there was a rare flamingo sighting in Naples and asked  
5 if the increase in birdwatchers was a random occurrence or if they should anticipate  
6 more of these people. Mr. Bowers said they geo-tag the District's lakes and do not  
7 disclose that those are private lakes and trespassing ends up happening which is the  
8 problem. He added that there have been some accidents by the curb near the Horses  
9 as some of those people do not get around all that well.

#### 10 **B. FY 2024 Workshop Schedule**

11 As it is the beginning of a new fiscal year, Mr. Dorrill submitted a copy of the anticipated  
12 Board workshop schedule. Mr. Lee reminded Mr. Dorrill about community landscape  
13 workshop to target areas for community median and streetscape landscaping. This  
14 workshop is anticipated to be in January. The annual Election Supervisors presentation  
15 was added to be in April and the transportation workshop was moved to July.

#### 16 **ATTORNEY'S REPORT**

17 Property at the intersection of Grand Lely Drive and Rattlesnake Hammock is a  
18 retention water management area owned by the Master. Collier County is interested in  
19 owning it. Master is planning on deeding it to the County. The County sent an email with  
20 a proposed document, Mr. Pires looked at it. He noted he has never seen one quiet like  
21 that in his life. He called Derek Perry, the assistant County Attorney and asked what he  
22 was trying to achieve. Collier County wants to make sure and get a letter or recordable  
23 document that says the Lely CDD is not currently levying non-ad-valorem assessments  
24 against that parcel and does not plan to in the future. The last time any were collected  
25 on that property was in 2010. Mr. Pires thinks that it is a reasonable request.

26 **On a MOTION by Dr. Bularzik and a second by Mr. Campkin, Mr. Pires was**  
27 **unanimously authorized to prepare the necessary letter to the County and have**  
28 **the Chairman sign it.**

29 On October 30th Mr. Pires received by email and FedEx a letter and correspondence  
30 from Coleman Yovanovich Koester, the attorney for Stock Development, along with a  
31 three ring binder with 27 items marked exhibits. It is titled 'Regarding Lely Resort Master  
32 Property Owners Association Inc. Chapter 558 Notice.' In this correspondence that he  
33 has given copies of to the Board, Mr. Koester on behalf of Stock Development  
34 references that the Master Association has made claims regarding allegedly defective

1 design and maintenance of lakes, preserves, and drainage systems in Lely resort. The  
2 Master delivered a Chapter 558 Florida Statutes Notice of Claim dated September 26,  
3 2023. Mr. Koester in his package provided that demand and all exhibits to the demand.  
4 There is a number of items that Mr. Koester references and requests. Mr. Pires said  
5 what is important is that there is not pending litigation against the District so there  
6 cannot be a closed door session. Mr. Pires and Mr. Dorrill can have one on one  
7 conversations with Board members. The 558 process takes time to go from demand to  
8 litigation if at all, depending if the Master and Stock resolve it before then. Chapter 558  
9 F.S. applies to the planning, designing, construction, and installation of improvements to  
10 real property. In this case, what has been provided in Exhibits 2-8 talk about alleged  
11 construction and installation issues with the quality of the work. Those arguably could  
12 be legitimate 558 demand requirements. The District did not plan, design, construct, or  
13 install any of this infrastructure. The rest of the exhibits deal with the arguable exotics or  
14 invasive. Mr. Pires said in their opinion those are operation and maintenance issues, so  
15 it is not a Chapter 558 construction defect issue. These items were also delivered to Mr.  
16 Dorrill making them not confidential as anything received by his office as Manager is  
17 public record.

18 The last page says that Stock and the District previously entered into a settlement  
19 agreement on February 17, 2017 which also includes the fifth amendment to the  
20 comprehensive services agreement. This says that the District agrees to maintain all the  
21 lakes and lake bank access easements within Lely Resort. At the time Stock controlled  
22 the Master, they were the 'plaintiffs' in this document. Now Stock is not affiliated with the  
23 Master. Something to consider is what standing ability does Stock now have, if any at  
24 all, to make this demand. Mr. Pires said they are still in the exploratory stages with  
25 regards to how to handle this. Looking into the statute of limitations on written  
26 agreements regarding this.

## 27 **FINANCIALS**

28 The preliminary and unaudited year end financials as of the end of September were  
29 presented. The District is in a strong cash position with \$4.9 million in cash on hand and  
30 \$1,750,000 is in operating. There were \$17,000 in payables at end of September. A  
31 total year to date amount of \$2,756,000 in assessments were received against a  
32 budgeted forecast of \$2,760,000. 5% interest was earned on the reserves and  
33 checking account with year to date interest earnings totaling \$235,000. With Board  
34 authorization Mr. Dorrill suggested moving some money into reserves. The expense  
35 side of the budget was slightly over budget. This came as no surprise as it has been  
36 talked about through the months. The County rate increase, and irrigation water

1 purchased from County because of the dry summer contributed to this. Additionally, fuel  
2 and electricity costs were higher than originally forecast. A market rate adjustment was  
3 also given to the workforce. The year ended with \$3,169,000 in expenses against an  
4 original budget of \$3 million. This was made up for by the interest earnings.

5 **Mr. Dorrill was unanimously authorized to move \$500,000 from the operating**  
6 **retained earnings into the capital reserve account on a MOTION by Mr. Lee and a**  
7 **second by Mr. Drum.**

## 8 SUPERVISORS' REQUESTS

### 9 A. Lely Master POA Q1 Invoice

10 The invoice is being sent out today, it was delayed as Mr. Dorrill's office was reconciling  
11 the Board's final adopted budget for fiscal year 2024.

### 12 B. Access Road

13 No update in the road turnover. The CDD has no interest in the road and has not  
14 received a letter regarding it.

### 15 C. Yellow Curb Paint

16 Mr. Carter notified the County about the curbs that need painting. He is waiting on a  
17 response.

### 18 D. Supervisor Vacancy

19 Acknowledged Mr. LoMonte's letter as mentioned at the beginning of the meeting. Dr.  
20 Bularzik asked to do something to say thank you for his service. Mr. Dorrill said that  
21 historically the District has gifted an etched glass monument to say thank you. A notice  
22 will be sent to the Master HOA and President's council to apply for the vacancy. The  
23 deadline will be the first Friday in January with interviews and a vote at the January  
24 meeting. Applicants have to be a qualified elector that resides in the District. **On a**  
25 **MOTION by Dr. Bularzik and a second by Mr. Campkin, Mr. Dorrill was authorized**  
26 **to get a plaque made for Mr. LoMonte.**

### 27 E. Christmas Bonus

28 Mr. Lee recommended giving the same bonuses as last year. \$6,500 for Mr. Carter,  
29 \$300 each for Mr. Dorrill and Mr. Pires, \$500-\$1500 based on length of service for  
30 employees and safety patrol officers and \$600 for Mr. Christopher Dorrill.

1 **These Christmas bonuses were unanimously approved on a MOTION by Mr.**  
2 **Campkin and a second by Dr. Bularzik.**

3 **PUBLIC COMMENT**

4 No public comment was received at this time.

5 **ADJOURNMENT**

6 The next meeting will be December 20, 2023, at 1:30 p.m. No workshop will occur. **On a**  
7 **MOTION by Mr. Campkin, and a second by Dr. Bularzik the meeting was**  
8 **adjourned at 2:25 p.m.**