

1                   **LELY COMMUNITY DEVELOPMENT DISTRICT**  
2                                   **NAPLES, FLORIDA**  
3                   Workshop Meeting of the Board of Supervisors  
4                                   March 20, 2024

5   The regular meeting of the Lely Community Development District Board of Supervisors  
6   was held on Wednesday, March 20, 2024, 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

13   Andrew Fox, 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   Nathan Phillips, District Independent Auditor

20   **INVOCATION/PLEDGE OF ALLEGIANCE**

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

22   **OATH OF OFFICE**

23   Mr. Dorrill swore in Mr. Andrew Fox as a supervisor.

24   **PUBLIC COMMENT**

25   No public comment was received at this time.

1 **ROLL CALL/APPROVAL OF AGENDA**

2 All five supervisors were present at the meeting, establishing a quorum. The meeting  
3 was convened at 1:30 p.m. The meeting was properly noticed. The notice and affidavit  
4 are on file with the District Office at 5672 Strand Court, Naples, FL 34110.

5 Dr. Bularzik added the Election of Officers and panhandling to the agenda. She also  
6 noted that she will not attend the April meeting. Mr. Drum added discussion about  
7 fishing to the agenda. Mr. Lee added FEMA resiliency to the agenda.

8 **PRESENTATION OF 2023 LELY AUDIT**

9 Mr. Nathan Phillips presented the draft audit as of September 30, 2023. It is 38 pages  
10 long, so he briefly highlighted it with the Board. The audit resulted in a clean unmodified  
11 opinion. Everything was in compliance with the particular statues that are applicable to  
12 the District. Total assets were \$14.9 million in cash. He noted that the District was in a  
13 better cash position than the year prior because revenue over expenses was in a  
14 surplus. By September 30 the total invested assets were \$9.8 million. Unrestricted  
15 money, which means money that can be carried over to the future was about \$4.8  
16 million. The District has no debt. Total general fund with cash was about \$5 million.  
17 Total liabilities was about \$126,000, most of it in accounts payable and payroll. Total  
18 revenue was \$4.3 million, total expenses were \$3.7 million. \$4.3 million was budgeted  
19 for expenses but only \$3.7 was spent from timing and community services.

20 Struggles in the District are escalating costs of payroll, supplies, and resetting of the  
21 market for hourly rates. Overall, the District is in the right financial situation with  
22 everything moving in the right direction. Mr. Phillips indicated that the District's funds  
23 were required to be invested into Florida Public Qualified Depositor accounts. Mr. Drum  
24 asked Mr. Phillips to explain what it means that \$4.8 million is fully secured. Mr. Phillips  
25 explained that the Florida statutes have outlines of where money can be invested in.  
26 Public deposits must be in a qualified depository which means there is liquidity at the  
27 bank level to cover those deposits. The district is fully covered to get that \$4 million  
28 back if something was to happen. FDIC is for the corporate world which is different than  
29 government world which deals with public money. Protocol is that each one of those  
30 banks have to maintain for Florida Statute purposes so the principal is preserved and  
31 protected.

32 **The audit was adopted as presented on a MOTION by Dr. Bularzik and a second**  
33 **by Mr. Drum, with all in favor.**

1 **APPROVAL OF MINUTES FEBRUARY 2024**

2 The following changes were made to the workshop minutes:

3 Christopher Dorrill was not present.

4 **On a MOTION by Mr. Drum and a second by Mr. Campkin, with all in favor, the**  
5 **workshop minutes were approved as amended.**

6 The following changes were made to the regular minutes:

7 Christopher Dorrill was not present.

8 Page 2 line 4 capitalize Tiger Island

9 Page 7 Dr. Bularzik asked for a follow up later in the meeting about how it is possible for  
10 the Lely Master to own the private road but not need to maintain it.

11 **On a MOTION by Dr. Bularzik with a second by Mr. Fox the minutes were**  
12 **approved as amended, with all in favor.**

13 **MANAGER'S REPORT**

14 **A. March Community Patrol**

15 There were two unrelated brush fires. Two streetlight poles were lost from car  
16 accidents. There were an unbelievable number of traffic stops over the course of the  
17 month. Mr. Dorrill asked for clarification about the standby spraying assist. Mr. Bowers  
18 explained that if a District employee is spraying by a light, a community patrol employee  
19 will watch them and make sure they are ok. He also shared that brush fires were not in  
20 conservation areas and did not seem suspicious. There were 104 total stops by the  
21 sheriff's department. There were 78 warnings, the majority of those written, 23 citations  
22 with fines, and 5 arrests majority of which were drug related in and around the high  
23 school. Mr. Lee clarified that three were drug related, one was a DUI, and one was  
24 \*inaudible\*.

25 **B. Landscape Canopy Tree Update**

26 Working with Ms. Elin Goetz and Hannula on this. Found out that County Right of Way  
27 Permitting is needed. They have submitted for the permit and are in the process of  
28 paying for it. Once that is in place, they will be able to move forward with the installation.  
29 Mr. Dorrill shared that the check for the permit was signed today.

1 **ATTORNEY'S REPORT**

2 Mr. Pires discussed the issue involving the access easement and maintenance of it.  
3 According to Mr. Lee, in the grant of easement document it says that they are not  
4 responsible for maintaining the road. Mr. Pires said he needs to look at if it says that the  
5 LCDD is responsible or if it just specifies that the Master is not responsible. He said that  
6 from a legal perspective the master would still have liability responsibility even if they do  
7 not have to maintain it. If someone on a motorcycle hit a pothole on the road and got  
8 injured, that person could make a claim against both the Master and the District  
9 because the District has the easement and the Master has the fee ownership. He said  
10 that in a sense they do have a responsibility under Florida Law to maintain it. Mr. Pires  
11 said that if the easement says that as to the District they do not have any obligation to  
12 maintain it, it does not mean that they do not have an obligation to maintain it as a  
13 matter of law. Mr. Lee said that there are three parties that use the road. Mr. Pires said  
14 that any of the three easement holders could be held liable in addition to the Master in  
15 the case of an incident. Mr. Drum asked if an easement holder could force the owner to  
16 bring it up to a certain standard on the grounds of safety. Mr. Pires said generally not.  
17 He said from a legal perspective he thinks they have a liability by not maintaining the  
18 land that they own in a good and safe condition. Dr. Bularzik asked if Mr. Pires could  
19 outline this and send it to their attorney. He agreed to do so. Mr. Dorrill said he could  
20 call Mr. Carter, the Master's property manager, and discuss this with him. Mr. Pires also  
21 suggested contacting Collier County Code Enforcement, saying that the driveway is not  
22 up to standards in the site development plan. Mr. Pires will draft a letter to their attorney  
23 and Mr. Dorrill will contact the County Growth Management Department and see if they  
24 historically have an approved site development plan that includes that street and  
25 address the issue regarding drainage.

26 Mr. Pires shared that the alleged trip in fall, the Silberhorn case, was settled. He also  
27 received an email from the counsel retained for the SFWMD issue. His suggestion was  
28 that the District and the Master association get together soon to try to have a joint  
29 memo to South Florida to work the issues out and ask for an extension. He will talk to  
30 Mr. Lee and Mr. Dorrill after the meeting about this.

31 **FINANCIALS**

32 The financials were shared as of January 31, 2024. On the balance sheet there was  
33 \$6.8 million in cash evenly allocated between operating and reserves. The vast majority  
34 of non-ad-valorem assessments have been received and collected. Fixed assets which  
35 include the Lely Freedom Horses, the maintenance building, and the other hard assets

1 total \$10 million. Total assets on hand were \$16,633,000. There was \$60,000 in  
2 outstanding payables at the end of the month. The income statement showed \$80,000  
3 in assessments received. There was almost \$28,000 in interest earnings. There was a  
4 high monthly expenditure for parts, \$8,500 in one month for patrol vehicle costs. Total  
5 year-to-date expenses for all cost centers were \$144,000 under budget.

6 **The financials were accepted on a MOTION by Mr. Fox with a second by Dr.**  
7 **Bularzik and all in favor.**

## 8 **SUPERVISORS' REQUESTS**

### 9 **A. Election of Officers**

10 The officers were elected as follows: Mr. Campkin Chairman, Dr. Bularzik Vice Chair,  
11 Mr. Lee Treasurer and POA Liaison, Mr. Drum Secretary, Mr. Dorrill Assistant-  
12 Secretary, and Mr. Fox, Supervisor.

13 **The proposed positions were accepted on a MOTION by Mr. Fox with a second by**  
14 **Mr. Campkin and all in favor.**

### 15 **B. Access Rd**

16 Addressed under the Attorney's report.

### 17 **C. Pan Handling**

18 Addressed during the workshop with the sheriff's department.

### 19 **D. Fishing**

20 Mr. Drum asked if residents are allowed to fish on their property. Dr. Bularzik said that  
21 there is no fishing in lakes and ponds at all. Mr. Drum asked if the District is able to  
22 adopt a policy regarding that like they have. Mr. Dorrill said while they do not own the  
23 property, they have a lake maintenance easement which allows them to create and  
24 enforce that policy for liability purposes. You also cannot launch a boat from your  
25 property. Mr. Dorrill said that the policy in this respect deals with fishing. Mr. Pires  
26 suggested going through the formal rule-making process and adopting a rule that can  
27 be enforced by court action or otherwise. Mr. Dorrill will share what current policy says  
28 at the May meeting.

1 **E. FEMA Resiliency**

2 Mr. Lee got a call from his counterpart over at Winding Cypress notifying him about  
3 \$100,000,000 that FEMA is putting aside, and the east side of Lely is in the zone being  
4 discussed for flood plane issues. He said it does not include ongoing maintenance work  
5 but includes stormwater sewer improvements to prevent flooding. The man from  
6 Winding Cypress wanted to know if the LCDD would be interested in joining them in  
7 pursuing this FEMA opportunity. Mr. Dorrill wants to know more if it is mitigation or  
8 hardening appropriation or if it's a grant and if so what kind of strings are attached if the  
9 money is taken.

10 **MICELLANEOUS**

11 Mr. Lee asked Mr. Carter if the Freedom Flyer is being worked on. He said yes. Dr.  
12 Bularzik will not be present at the April meeting. She asked Mr. Bowers if they ever  
13 found the two men walking around sunstone asking for money, he said no. He  
14 contacted the Sheriffs and they said that they did not have enough information to  
15 respond to it. Mr. Campkin asked about the crash that damaged the lamppost. Mr.  
16 Carter said that they are just waiting for the new streetlight to come in and they just got  
17 the police report which will be shared with the claim adjustor.

18 **PUBLIC COMMENT**

19 No public comment was received at this time.

20 **ADJOURNMENT**

21 The next meeting will be April 17, 2024, at 1:30 p.m. **On a MOTION by Mr. Lee, and a**  
22 **second by Mr. Fox, with all in favor, the meeting was adjourned at 2:50 p.m.**