

**LELY COMMUNITY DEVELOPMENT DISTRICT  
NAPLES, FLORIDA  
REGULAR MEETING OF THE BOARD OF SUPERVISORS  
July 18, 2018**

The regular meeting of the Lely Community Development District Board of Directors was held on Wednesday, July 18, 2018 at 1:55 p.m. at the LCDD Maintenance Building.

**SUPERVISORS PRESENT:** William Lee, Chairman  
Gerry Campkin, Vice Chairman  
Harold Ousley, Treasurer  
Kenneth Drum, Secretary

**ALSO PRESENT:** Ken Hess, Dorrill Management Group  
Kevin Carter, Dorrill Management Group  
Tony Pires, District Counsel  
Freddy Bowers, Operations Manager

**INVOCATION/PLEDGE OF ALLEGIANCE**

Mr. Carter offered an invocation, and the Pledge of Allegiance was recited in unison by the Board.

**PUBLIC COMMENT**

No public comment was received at this time.

**ROLL CALL**

All of the Board members were in attendance, and it was noted that Mr. Dorrill was away on vacation.

**APPROVAL OF AGENDA**

Mr. Drum added Item 7A under Supervisors' Requests, regarding Mr. Dorrill's letter about additional police security, and 7B, Discussion of Rules and Procedures. **With those additions, the Agenda was unanimously approved on a MOTION by Mr. Drum and a second by Mr. Ousley.**

*Lely Community Development District – Minutes*

*July 18, 2018*

*Page 2*

**APPROVAL OF JUNE 2018 WORKSHOP AND MEETING MINUTES**

As it relates to the Workshop Minutes, it was noted that Mr. Campkin was not present.

On Page 5 in the last paragraph, the resident was Al \*\*\* from Legacy.

**The Workshop Minutes were then unanimously approved as amended on a MOTION by Mr. Ousley and a second by Mr. Campkin.**

As it relates to the Regular Meeting Minutes, again Mr. Campkin's name should be removed, and on Page 9 under Public Comment, the starred name once again was Al \*\*\*. (Inaudible)

**The Regular Minutes were then unanimously approved as amended on a MOTION by Mr. Ousley and a second by Mr. Drum.**

**MANAGER'S REPORT**

B. June Community Patrol (This item was addressed last.)

The report showed 52 incidents, eight animals which involved a panther and a dog/ There were nine trespasses, eight of which were non residents who were fishing. Three were issued citations by the sheriff. There were nine gate issues, some vandalism, and two street lights were damaged. There was one break in report, (Inaudible section.) and a driver going the wrong way on Celeste, among other items. **A MOTION was then made by Mr. Ousley and seconded by Mr. Drum to approve the manager's report, and passed unanimously.**

A. Insurance Renewal FY 2019

Several questions have arisen in the past month regarding insurance, and the policy the District is presently under is for two years, ending late in 2019. For that reason there will be no increases this year, and none until late into next year.

Much of the insurance industry has not made its adjustments as they wait to see what their total outlay will be. At that point, there will probably be a significant increase in premiums. The main purpose for providing the list to the Board is to give them an idea of what items are covered under the policy and whether they should continue to be insured at these levels before renewal in late 2019. Additionally, new items may need to be added to the list, and others taken off.

Mr. Drum noted that in his neighborhood many residents lost parts of their roofs, and the insurance companies are making it difficult to get help from them. He wondered what the reputation of the District insurance company was in this regard. Additionally, he understood That some companies want to add a clause in the policy that if they don't like the appraisal,

***Lely Community Development District – Minutes***

***July 18, 2018***

***Page 3***

they received, they have the right to come in and fix it themselves. Mr. Drum felt that in those cases, they would pick the cheapest company they could find to do the repair, and he wondered if this clause was in their carrier's policy.

Mr. Pires indicated that typically this type of change is done at the time of renewal as opposed to midstream, nor would they typically allow any amendments to the policy during that period. He would not recommend accepting it, and felt that Mr. Dorrill would not either.

In response to Mr. Campkin's question, Mr. Pires indicated that they are not required under State law to get other quotes before they renew what they presently have. Mr. Campkin felt that it should be done as a matter of policy, and was advised that the manager would probably check around to see what is being offered before it would be renewed.

Apparently some companies are now requiring inspections before new policies are written, and if there is a weak component or something missing, the homeowner must bring it to the company's acceptable grade before they will insure, or a particular item will be taken off the policy. Wind mitigation inspections are becoming more and more common, and the strapping of trusses to the walls is the number one component. The strapping is now only good for five years, and then must be redone.

Additionally companies are now reluctant to put out early bids, and some underwriters want to wait for three to four weeks before renewal so that they have the most recent rates and information. Presently the deductible is 3 percent for a main storm.

This item will be readdressed in the future.

**ATTORNEY'S REPORT**

**A. Letter re: Mr. Bryant's Estate**

A letter was sent to Mr. Bryant's personal representative, asking if they had any records that would help support payment. He received a nice letter back indicating that having done all the due diligence they still have not been able to find any. Mr. Pires will meet with Mr. Dorrill when he returns and put together some representative billing examples for the period of time prior to Mr. Bryant's death excluding any major litigation, and come up with a number that they will bring back to the Board for approval to resolve this issue. Mr. Pires felt that this would be an appropriate gesture, and an \$80,000 contingency has been set aside for that. The estate will receive the money the Board decides on.

Mr. Pires will put in a call to the estate's attorney to see if they were able to access a cabinet which may hold some files and records of Mr. Bryant's.

***Lely Community Development District - Minutes***

***July 18, 2018***

***Page 4***

**B. ADA Information**

Mr. Pires reported that starting in April of this year a blind woman on the East Coast has to date filed 96 lawsuits against corporations and CDDs. She is asking for a permanent injunction and changes in website policies to make sure that they are ADA compliant for the blind and visually impaired.

Several CDDs have been sued, including Lely, Fiddler's Creek 1 and 2, Gateway, Stonybrook Colonial Country Club, and probably 40 more CDDs have been sued by this woman, alleging violations of the American Disabilities Act. Lely's insurance carrier has retained counsel, timely filed a notice of appearance, and a Motion to Dismiss.

What Mr. Pires has seen in other cases is that there may be a settlement discussion initiated by the retained counsel, and any settlement of any matter of this type requires coming back to the Board. A closed door session may also be held to discuss this.

There are steps and software available to make the documents on a website assessable to the visually impaired. There is staff training and expenses involved, and the recommendation in the future may be to pare down significantly what is put on the website. The more information that is put on the website, the more work needs to be done to make it ADA compliant. The statute requires certain information on the website, and beyond that, there may be policies that the Board has used in a while that may need to be changed. This woman is not asking for damages, but only compliance, attorney's fees and costs. So far there have been a number of settlement agreements entered into in a number of the cases.

Additionally, certain insurance companies may be requiring compliance with the ADA guidelines in the future in order to provide coverage for this type of litigation. (Mrs. Bularzik's comments were inaudible.)

There will be more discussions on this in the future.

**C. Memorandum on Alligators**

Mr. Ousley asked if the CDD was responsible to post signs around all the lakes indicating that there may be alligators in them, and Mr. Pires advised that he has prepared a memorandum for CDDs on the alligator and snake issue. He will update it and share it with the Board, and it will advise them of what they may consider doing.

**On a MOTION by Mr. Ousley and a second by Mr. Drum, the Attorney's Report was unanimously approved.**

**SUPERVISORS' REQUESTS**

**A. Letter Regarding Additional Security**

Because of the present emphasis on more security in the schools, the District was advised that the extra deputies would not be available until school let out for the summer. The District has just found out that for the foreseeable future, the District may not be able to run their extra security program as the deputies won't be available. The Sheriff has been to Lely several times, and has indicated how safe things are, and how crime is down.

Mr. Drum felt that it was the Sheriff's Responsibility to try to get the program back in order, and he suggested that they communicate with the Sheriff by letter, indicating that they are disappointed that the program is not going to be reinstated soon. The Sheriff should be called upon to supplement the loss of these hours with his regular staff rather than having the drive by police, and concentrate on areas where there have been problems, such as speeding through neighborhoods and failing to stop at stop signs.

Secondly, Mr. Drum suggested that they could pledge their support to the Sheriff in trying to have more deputies which may require an increase in budget and possible increase in taxes.

Mr. Lee indicated that the problem is getting more deputies to do this work, as most of them live well outside of Naples as they can't afford to live here. The only thing the Sheriff can do is increase their salaries, but that must go through the County Commission to raise their budget, and the Commission does not want to raise people's taxes.

Mr. Drum suggested that letters be sent to the County Manager regarding this issue, and also to ask the Sheriff how he could supplement the time the deputies spent at Lely.

After a brief discussion, it was the consensus of the Board that Mr. Dorrill send this letter to the Sheriff with the questions and ideas as indicated by Mr. Drum.

**B. Rules and Procedures**

Mr. Lee noted that Mr. Pires had suggested that some rules and procedures be put together on how things are run at Lely, and they were looking at September for a workshop on this. Mr. Pires indicated that it is a two step process, and once they discuss it at the September workshop, they would have to have a Notice of Rule Development, and then the advertizing is done for the actual Rule Development to take place at the November meeting.

**PUBLIC COMMENTS**

Tom Kuznar from Palomino Village noted that several of their roofs had to be repaired, and the roofers are leaving debris and nails all over the streets, and they are after the roofers to clean

**Lely Community Development District – Minutes**

**July 18, 2018**

**Page 6**

up daily. People who are away have material piled up in their driveways for five or six months. A sweeper comes through every now and then from the County, but there are many more roofs to be done.

Mrs. Bularzik noted that a police car was parked near her while she was visiting a friend, and was still there when she came out. She wasn't sure if he was on patrol or not. (Very hard to hear.)

In response to a resident's complaint about the state of some of the preserves, Mr. Lee indicated that Code Enforcement came out and Lely Development and others were cited for not cleaning the exotics out. It has yet to be done.

There has been no further action on the strips of land that Stock and others wish to get rid of, and Mr. Pires noted that he had heard nothing more about it.

(Mrs. Bularzik's comments were inaudible.)

A resident noted that the windows the Board had previously discussed to withstand the hurricane winds can bow from the pressure and insurance companies are refusing to pay for what they call wind driven rain. Legacy just spent over a half million dollars redoing all of their hurricane windows, and they were all damaged this year by wind driven rain.

A resident of Falcons Glen reported that Code Enforcement cited their HOA president and three other residents for temporarily renting their properties for less than a week.

**FINANCIALS**

Mr. Hess went through the financials for the Board, noting that the balance sheet showed revenue through May is running ahead of budget by \$65,000. The vast majority of that is attributable to CSA revenue. Total expenses in all categories were well under budget. The budget year-to-date was \$2,300,000, and expenses were \$1,825,000.

Mr. Lee asked if anyone knew what the latest revenue of \$7,520 was, and Mr. Hess was not aware of where that came from either. Mr. Dorrill will be asked when he returns.

96 percent of the tax revenue has been received,

**On a MOTION by Mr. Campkin and a second by Mr. Drum, the Financials were then unanimously accepted by the Board.**

**ADJOURNMENT**

**On a MOTION by Mr. Campkin and a second by \*\*\* the meeting was adjourned at 2:30 p.m.**