

1                                   **LELY COMMUNITY DEVELOPMENT DISTRICT**  
2                                   **NAPLES, FLORIDA**  
3                                   **REGULAR MEETING OF THE BOARD OF SUPERVISORS**  
4                                   **JANUARY 16, 2019**  
5

6    The regular meeting of the Lely Community Development District Board of Directors was held  
7    on Wednesday, January 16, 2019 at 1:30 p.m. at the LCDD Maintenance Building, Naples,  
8    Florida.

9  
10 **SUPERVISORS PRESENT:**

Gerry Campkin, Chairman  
William Lee, Vice Chairman  
Harold Ousley, Treasurer  
Kenneth Drum, Secretary  
Dr. Anne Marie Bularzik, Supervisor, Assistant Secretary

15 **ALSO PRESENT:**

Neil Dorrill, Dorrill Management Group, Assistant Secretary  
Kevin Carter, Operations Manager  
Tony Pires, District Counsel  
Freddy Bowers, Director of Community Patrol  
Terry Cole, District Engineer

21 **INVOCATION/PLEDGE OF ALLEGIANCE**

22 Mr. Dorrill offered an invocation, and the Pledge was recited in unison.  
23

24 A. Public Comment

25 No public comment was received at this time.  
26

27 **ROLL CALL**

28 All Board members were in attendance at the meeting.  
29

30 **APPROVAL OF AGENDA**

31 With the addition of items 4C, Lake Bank Erosion Project/Mr. Cole, 7A, July Board Meeting; 7B,  
32 Robin Esterkes Cross; 7C Update on Turnover; 7D, Streetlight Contract, and 7E, Workshops, **the**  
33 **Agenda was approved on a MOTION by Mr. Drum and a second by Mr. Ousley.**  
34

35 **APPROVAL OF DECEMBER 2018 MINUTES**

36 Mr. Dorrill asked that Dr. Bularzik's title be included on the first page title sheet.

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5 Throughout the transcript, the name Ron Kay was spelled incorrectly.  
6 On Page 4, in the sentence beginning “As far as what happens with the Master Association  
7 document”, the word “no” should be inserted in the following line before the word “changes”.  
8 On Page 5, in the seventh line, the last word should be “Dr.”.

9 **On a MOTION by Mr. Ousley and a second by Dr. Bularzik, the minutes were then**  
10 **unanimously approved as amended.**  
11

12 **MANAGER’S REPORT**

13 A. December Community Patrol Summary

14 Mr. Dorrill noted that December’s incident report was an interesting one, including various  
15 animals as well as panhandlers. There is a group people who come over from Homestead with  
16 shirts similar to Stahlman’s to illegally harvest coconuts in the Lely Community. Mr. Drum asked  
17 if the District had any liability if any of these illegal harvesters was hurt removing coconuts from  
18 the trees, and Mr. Bowers indicated that this was usually done on private property. Mr. Pires  
19 noted that he was not aware of any duty, or liability, the District had to advise trespassers of  
20 any danger, but if they wished to advise law enforcement that there are trespassers, that may  
21 be the best course of action.

22 Mr. Pires advised them that the Good Samaritan Law has been adopted in some states, but  
23 there has to be care taken with this, adding that if you don’t have a duty, you don’t have  
24 liability. Mr. Dorrill thanked Mr. Bowers and his team for their good work and professionalism  
25 with the various occurrences in the community, and Dr. Bularzik agreed.

26 January is one of the peak months of the year for what has been called the “dinnertime”  
27 bandits, and additionally there were two car burglaries. Mr. Dorrill suggested that a notice be  
28 sent out to the Presidents Council, advising them that this is a month where additional care  
29 should be taken, and that will be done. There were 60 incidents in Lely during the month of  
30 December.

31 Mr. Campkin added that there was a home invasion over the Christmas holiday where someone  
32 took over and used the home of a resident who was away, causing some damage.  
33

34 B. Follow up on Street Scaping/February

35 A note has been sent to the Presidents Council reminding them to reserve next month for the  
36 workshop on street scaping for the community before the regular meeting. A presentation will  
37 be made by Mrs. Goetz and her firm which will show the type of plant palette being proposed,  
38 along with preliminary drawings.

5 **ATTORNEY’S REPORT**

6 A. Collier County Stormwater Utility

7 This item continues to unfold, and another meeting was held the previous week which had  
8 much better attendance. The Productivity Committee is looking at different funding and their  
9 sources, and part of the discussion at this recent meeting was going back to a dedication ad  
10 valorem source as was done in the past in the County. They were also looking at special  
11 assessments, and/or and an electric franchise fee, which would show up on the electric bill.  
12 Mr. Pires explained that the City has about 3.1 million dollars coming in yearly from funds  
13 received from FPL for the privilege of the utility being in government rights-of-way. FPL then  
14 passes this charge on to its customers on their electric bill. This money can be used for any  
15 funding purpose, so the Committee is looking at that money as well, and the possibility of  
16 blending different sources of revenue.

17 Part of the discussion at this most recent meeting was about how much money will be needed  
18 and how much the City presently has for this purpose. Members of the public were offering  
19 suggestions and comments regarding the City’s capital and operating accounts. Mr. Pires noted  
20 as well that there was a presentation in September of 2016 from Stormwater Utility to the  
21 County, with a brief history of how this utility started and how it was funded. He will provide  
22 the link on the County’s website to anyone who is interested. One of the items discussed on it  
23 was that the operation was decentralized, which would also be part of any discussion on the  
24 budget of this item. \*\*\*Mr. Lee’s comments inaudible\*\*\*

25 Mr. Pires noted that the Productivity Committee was comprised of a number of very intelligent  
26 people, and he did not feel that they were getting all of the information they required from  
27 staff. This committee will return to the Board of County Commissioners in March or April with  
28 their findings.

29  
30 **FINANCIALS**

31 The November financials showed \$3,500,000 in cash, with \$1,400,000 of that amount in  
32 reserves for capital purchases. Total assets were \$13,500,000. Part of the assets is  
33 infrastructure that is owned by the District. There was \$298,000 in payables at that time.  
34 The income statement showed \$1,100,000 having been received in the month of November,  
35 which is less than what was received the prior year. This could be due to when their taxes were  
36 paid, and the December financials will probably show some of those payments that were paid  
37 late and not noted as November income.

38 Mr. Drum added that some homes were reassessed, for that year only, due to hurricane

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5 damage where repairs have not yet taken place. Mr. Dorrill indicated that he will continue to  
6 monitor this.

7 Dr. Bularzik asked about the third line, noted as non ad valorem discounts, and was advised  
8 that the amount is budgeted as an offset for the discounts that are going to be taken.

9 Mr. Lee asked whether the \$13,000 under miscellaneous revenue was from FEMA, and was  
10 advised that it was.

11 All of the cost centers with the exception of one are substantially under budget thus far, with  
12 total operating expenditures at the end of the first two months of the fiscal year at about  
13 \$95,000 under budget. Some of the insurance coverages are prepaid, and those were not yet  
14 posted and will show up on the December financials.

15 **On a MOTION by Mr. Drum and a second by Mr. Ousley, the Board then unanimously**  
16 **accepted the financials as presented.**

17

18 **LAKE BANK EROSION**

19 This item was postponed from the Manager’s Report to accommodate Mr. Cole’s arrival.

20 Mr. Dorrill indicated that he had been advised that Mr. Cole had been working with the Master  
21 HOA regarding some sediment analyses as it may affect the lake bank erosion initiatives.

22 Mr. Cole provided emails to the Board members regarding Lakes 4 and 9, which were found to  
23 have insufficient sand for repairs. The sand was brought in and pumped into these lakes, so the  
24 lake bank repairs were more expensive.

25 Mr. Cole recommended that before any repairs are started on one of the six lakes in line for  
26 work, that divers determine if there is enough sand ahead of time. Under normal conditions,  
27 Mr. Cole suggested that the lakes would cost roughly \$160,000, but if sand has to be brought in,  
28 then that amount would increase to \$267,000. The cost for diving the six lakes would be  
29 \$2,600, and the quote for the extra sand would be revised to reflect splitting the costs between  
30 the Master and the CDD. Mr. Gelder has already agreed to this.

31 In response to Mr. Drum’s question on the status of the lakes owned by the Master HOA, Mr.  
32 Cole indicated that a survey done in April of 2017 showed a cost of \$330,000 without additional  
33 sand being trucked in to bring them up to an acceptable standard. The cost for the CDD lakes  
34 was comparable at that time. Since this report Hurricane Irma occurred, and there may be  
35 some additional areas that need to be worked on. Mr. Cole further suggested that the highest  
36 priority lakes be addressed this year, which are noted in the email that was provided.

37 Mr. Gelder advised Mr. Cole that whatever needs to be done must stay within the \$95,000  
38 budget the Master has allocated, which means that they may have to scale back on the

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5 number of repairs that are done if sand is required.

6 Mr. Drum noted that the Master is obligated to repair those lakes, and Mr. Pires added that  
7 under the South Florida Water Management permit and rules, the permittee is responsible for  
8 permit compliance, and there should be a list available showing the current operating entities.

9 Those permits will have to be transferred to the District if the District is ultimately going to be  
10 the operating entity for them. Mr. Cole does have a spread sheet with this information, which  
11 should be updated and will be provided to the Board.

12 In response to Dr. Bularzik's request, Mr. Cole explained what happens to the sand in some of  
13 the lakes, which involves wind action and the settling in of sand in some of the rock crevices in  
14 the lakes. It could also depend on the substrata.

15 Mr. Cole spoke briefly about ownership of the lakes in Lely, and the fact that the developer may  
16 wish to turn ownership over to the CDD when they leave Lely. Mr. Ousley noted that the  
17 preserve on the east side of the project is also a problem area, and Mr. Cole advised that they  
18 have had some meetings and discussions about the maintenance of that preserve area, which is  
19 the responsibility of the developer.

20 \*\*\* Inaudible comments by Mr. Lee\*\*\*

21 Mr. Pires noted as well that this will involve the South Florida Water Management District, as  
22 there is a requirement for the submission of monitoring reports on the preserve areas, and this  
23 needs to be looked at before those areas are signed off on. Mr. Pires will check on the  
24 communications that have been going back and forth, if at all, between the South Florida Water  
25 Management District and the permittee as to what has to happen. The transfer period to the  
26 operating entity is a critical time, and there should be assurance that everything is up to the  
27 applicable standards.

28 Mr. Cole will provide Mr. Dorrill with the proposal from the underwater divers, and they can  
29 coordinate and move forward with this to determine what the sand situation is in the lakes.

30

31 **SUPERVISORS' REQUESTS**

32 **A. July LCCD Meeting**

33 Dr. Bularzik noted that she will be away on an extended vacation during the week of the  
34 meeting, which was planned before she was elected to the Board, and she will be unavailable  
35 to participate via speakerphone. She asked the Board to consider moving the meeting up one  
36 week to the 10<sup>th</sup> of July. The Board members agreed that they would back the meeting up to  
37 the 10<sup>th</sup> to accommodate Dr. Bularzik.

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5 B. Robin Esterkes Memorial

6 The memorial cross was removed on the 12<sup>th</sup>, the anniversary of this resident's death, and the  
7 Staff was thanked for all their consideration.

8

9 C. Turnover Report

10 Mr. Campkin had provided copies of the report to the Board earlier, and the correct spelling of  
11 Mrs. Figorito's name was noted. The list shoed the things the committee is looking at and  
12 talking about. Mr. Campkin did not feel that they realized everything that is involved in this  
13 turnover. Two attorneys from the DeBoest firm were present at the meeting, and Mr. Stock  
14 advised them that he is not going to pay for anything.

15 The members of the committee do not seem to be in a hurry or concerned about a deadline,  
16 and they do expect that Stock will provide them with all the information that Mr. Cole was  
17 discussing earlier, so that they can go and investigate the different areas.

18 This is a very big undertaking and Mr. Campkin had concerns about it. The meetings are called  
19 on different days, and Mr. Lee will help fill in for Mr. Campkin when he cannot make a meeting.

20 The CDD representatives will be meeting with the Turnover Committee on the 21 of January,  
21 and Mr. Campkin suggested that they meet at the Lely meeting room as it is air conditioned.

22 Mr. Pires suggested that if any other Board members are going to see the materials that it be  
23 forwarded to Mr. Dorrill, which would make them public records. At some point in time at the  
24 CDD Board's discretion, Mr. Pires suggested that he contact the DeBoest firm, as the issue of  
25 the transfer of permits when they have been brought into compliance and certified is an  
26 important one.

27 Dr. Bularzik added that the turnover is tentatively scheduled for April, May or June of this year,  
28 but that Stock is looking to get out earlier. Mr. Dorrill indicated that Brian well understands the  
29 complexity of this turnover, and suggested that the committee be advised that they may have  
30 to be prepared earlier than anticipated.

31 The issue of ownership of the separate, platted parcel that is the service road into Lely will be  
32 looked at by Mr. Pires.

33

34 D. Streetlight Contract

35 The contractor agreed to the changes made by Mr. Pires and signed the contract. They are  
36 waiting for a start date on this project.

37

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5 **E. Workshops**

6 Mr. Dorrill will check with Dee in his office to determine if the workshops for March and April,  
7 the Sheriff and the Transportation Department, have been set.

8

9 **PUBLIC COMMENTS**

10 No comments were received from members of the public.

11

12 **ADJOURNMENT**

13 Mr. Dorrill reminded the Board that the February meeting would be held on the 20<sup>h</sup>, starting at  
14 1:00 with a workshop of the street scape plans. **The meeting was then adjourned on a**

15 **MOTION by Mr. Drum and a second by Mr. Ousley at 2:32 p.m.**