

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **REGULAR MEETING OF THE BOARD OF SUPERVISORS**
4 **May 15, 2019**
5

6 The regular meeting of the Lely Community Development District Board of Directors was held
7 on Wednesday, May 15, 2019 at 1:35 p.m. at the LCDD Maintenance Building, Naples, Florida.

8
9 **SUPERVISORS PRESENT:** Gerry Campkin, Chairman (Via Speakerphone)
10 William Lee, Vice Chairman
11 Harold Ousley, Treasurer
12 Kenneth Drum, Secretary
13 Anne Marie Bularzik, Supervisor, Assistant Secretary
14 **ALSO PRESENT:** Neil Dorrill, Dorrill Management Group, Assistant Secretary
15 Kevin Carter, Operations Manager
16 Tony Pires, District Counsel
17 Freddy Bowers, Director of Community Patrol
18
19

20 **INVOCATION/PLEDGE OF ALLEGIANCE**

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

23 A. Public Comment

24 No public comment was received at this time.
25

26 **ROLL CALL**

27 All Board members were in attendance at the meeting, with the exception of Mr. Campkin who
28 was participating via speakerphone.
29

30 **APPROVAL OF AGENDA**

31 Items 7A, Security as it relates to the Sheriff's Office; 7B, Update on Parking Lot ; and 7C, US
32 Post office Drop Box Update. Mr. Dorrill added that there was an additional handout related to
33 the surplus property auction that occurred the previous day, and the Board will be asked to
34 award the bid under Item 4B. With those additions, **the Agenda was unanimously approved**
35 **on a MOTION by Mr. Ousley and a second by Mr. Drum.**
36

5 **APPROVAL OF MINUTES OF MAY 15 WORKSHOP and REGULAR MEETING MINUTES**

6 As it relates to the workshop minutes, on Page 2, on Line 36, Sergeant Tom Holden had recently
7 taken over the community policing group.

8 **On a MOTION by Dr. Bularzik and a second by Mr. Drum, the workshop minutes as amended**
9 **were unanimously approved by the Board.**

10 As it relates to the regular meeting minutes, on Page 5. Line 9, the starred name should read
11 “Inspie”.

12 On Page 6, Lines 9, 10 and 11 where it was agreed that \$34,000 would be spent, Dr. Bularzik
13 asked if that money was coming out of the surplus, and would not require an addition to the
14 budget. Mr. Dorrill indicated that this amount will be part of this year’s budget.

15 On Page 9, Line 13, and Page 10, Line 25, Mrs. should be changed to Dr. Bularzik.

16 On Page 10, Line 25, the name should be changed to Dr. Bularzik, and Alex’s last name is
17 Villereal.

18 **On a MOTION by Mr. Ousley and a second by Dr. Bularzik, the regular meeting minutes as**
19 **amended were unanimously approved by the Board.**

20

21 **MANAGER’S REPORT**

22 A. Community Patrol

23 This monthly report included 58 various incidents including seven loitering complaints, eight
24 trespass violations as it relates to fishing, six of which were non-residents and one non-
25 determined.

26 There were 17 safety and traffic related incidents which was higher than normal. Assistance
27 was offered to a resident with some confusion as to where she lived, and she was taken home.
28 Mr. Dorrill thanked Mr. Bowers for the good job they did on that incident.

29

30 B. 2020 Budget Approval/Resolution

31 It was noted that the resolution was previously approved, and the Chairman will sign it.

32

33 C. Registered Voter Certificate

34 The Supervisor of Elections, Jennifer Edwards, is required to establish in advance the number of
35 registered voters within the boundaries of the District, which stands at 2,169. No action was
36 required on this item.

37

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5 D. Traffic Analysis Lely Resort Boulevard/Lely Island Circle

6 The traffic analysis at this intersection, which also included Wildflower Way, has been received,
7 done as a result of the fatality that occurred.

8 Dr. Bularzik noted that a copy of the update had been received, which showed that the traffic
9 study done in 2018 did not meet the counts for either a four way stop or for a light to be
10 installed. Another count was done at the end of March of 2019, and Dr. Bularzik noted that
11 what is looked at is the number of vehicles entering the intersection from the major approach
12 and the pedestrian and bicycle volume.

13 Based upon those two indicators, they do now feel that the intersection between Wildflower
14 Way where Sam Sneed's is located meets the merits for a multiway stopping intersection. It will
15 now go to the Collier County Commissioners' May 28 Board meeting for discussion.

16 Dr. Bularzik plans on attending that meeting, and she will act as the Board's liaison.

17 Mr. Campkin did not feel that the study was a thorough enough one, noting that nothing was
18 said about the traffic coming in from the main road and down the hill where visibility is very
19 bad, and a notice of a stop sign is needed there. Dr. Bularzik indicated that a flashing light
20 indicating that a stop sign is coming up will also be installed.

21 Mr. Drum agreed that the hill Mr. Campkin was referring to is a very dangerous area, and at
22 certain times of the year exiting from Sam Sneed's a driver is looking right into the sun. Mr.
23 Campkin was not sure that the decision to install all way stops was going to solve the problem.

24 Dr. Bularzik added that a roundabout was not considered, but it was noted in the report that if
25 the residents wanted to pay for a roundabout, the cost would be about \$500,000.

26 Mr. Lee added that after the County installs the signs in the proper place, they will be replaced
27 by Lely with the signs they use in the District.

28 Dr. Bularzik noted for those in attendance that the report listed the crashes that had occurred
29 in this area. In 2019 there were two, in 2018 there were three, none in 2017 and in 2016 there
30 were four. There was nothing in the report on Lely Island Circle.

31 The Board agreed that they would support a multi-way stop arrangement.

32

33 E. Surplus Property Award

34 At the bid opening the previous day \$36,253 was taken in, which was \$26,000 over the original
35 forecast. The three year old Ford Explorer was the big ticket item at almost \$12,000. **On a**
36 **MOTION by Mr. Drum and a second by Mr. Ousley, the Board unanimously approved to**
37 **recognize the proceeds from the auction in order to begin the collection and transfer of title.**

38 Mr. Dorrill thanked Mr. Carter for his efforts in coordinating this auction.

5 **MR. DRUM/SHERIFF’S COMMUNITY PATROL PROGRAM**

6 A state law was implemented that put deputies in all of the schools because of the shootings
7 that have taken place across the country. This caused the cancellation of the overtime servicing
8 for the Community of Lely. It does not appear that this program will be reinstated anytime
9 soon, as more deputies are needed and for a number of reasons this is not happening.

10 Mr. Lee added that he had attended a meeting where the Sheriff’s Department went over the
11 issues and answered questions, and the Sheriff indicated that their head count for all the needs
12 was about 100 under what was required. Mr. Drum also felt that the Sheriff was underfunded
13 by the County. Going forward, Mr. Drum felt that the District had two options. One option
14 would be the FWC, Florida Wildlife. They are sworn officers, have cars, and they can make
15 stops and write tickets. He suggested that staff talk to them, even though they may also have a
16 problem getting deputies.

17 The other option is to consider getting another car, hiring another person, and have two
18 security people to provide more coverage. Mr. Bowers advised him that he is able to get
19 around once a day to each community, and more service could be available with another
20 person on staff, using the money that was originally spent for the Sheriff’s deputies.

21 Mr. Bowers regularly submits requests to the Sheriff’s Department for more normal, non-
22 overtime patrols for Lely, to monitor certain designated places. Sometimes the Department fills
23 this request, sometimes they do not.

24 Mr. Drum suggested that Mr. Dorrill, Mr. Carter and Mr. Bowers take a look at these other
25 options and come back to the Board with their ideas. Mr. Drum does not feel that the off duty
26 sheriff’s will be able to come back, and the Board agreed. It was also noted that the deputies
27 did not give out the amount of tickets that the Board felt they should have.

28 Mr. Dorrill will report back to the Board on their findings.
29

30 **ATTORNEY’S REPORT**

31 A. Follow up on *****

32 Mr. Pires followed up with counsel for the developer on this issue, and there is a vacation of
33 easement on the one parcel, and the County is needed for the District to vacate another
34 easement, as they want a standalone document for their vacation of easement.

35 Mr. Pires will keep the Board posted on this.
36

37 B. County Commission Activity

38 The Commission recently passed authorization for advertizing for a public hearing on their

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5 Pollution Control Ordinance. That ordinance has been through the Development Services
6 Advisory Committee process and the Development Code and Planning Commission processes
7 have been gone through as well.

8 There now is a hearing date when it will come before the County Commission for updating this
9 ordinance, and the difficulty with this is that there is one section that says if the County
10 believes that a community or development has not complied with their permits, the County has
11 the option to require that community to create and implement structural best management
12 practices. That could include catch basins, swales, ponds and other components being redone.
13 The Public Services Advisory Committee recommended that there be an exemption for existing,
14 established communities, but staff said no, if there is a problem they want to be able to bring a
15 community up to date.

16 Mr. Pires has sent a letter to the County Commission asking that they include this exemption.
17 He is not aware that this has happened, but he will keep the Board advised. His concern is that
18 in some of these communities, such as Lely, that even if they have a South Florida Water
19 Management District permit, if the County believes you are not in compliance, they can make
20 you go back and structurally refigure your system. He believes this to be completely
21 overreaching on the part of the County, and he does not think that the County staff has thought
22 this out completely. Mr. Pires will continue to monitor this and attend County Commission
23 meetings where this is going to be discussed.

24

25 **C. Continuing Information on Turnover**

26 Mr. Pires indicated that he and Mr. Dorrill had not yet had the opportunity to meet with the
27 various entities involving parcels of land for purposes of the transfer, and he expects that they
28 will be able to address this issue at the next Board meeting.

29

30

31 **FINANCIALS**

32 The midyear financials through the end of March showed \$3,500,000 in cash with about
33 \$1,400,000 in the capital fund account and the rest in the operating account. There was
34 \$21,000 in payables.

35 The income statement showed no assessment revenues being booked during the month of
36 March, and normally at this time of year they would see \$150,000 coming in at the last minute.
37 The tax collector is now using a lockbox service to disburse money to the different entities, so
38 even though there was a substantial, six figure amount paid during March, Mr. Dorrill did not

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5 receive it until almost the end of the first week in April. Mr. Dorrill will have Leigh in his office
6 send an email off to the Board members advising them of the amount received.

7 In response to Mr. Lee’s question as to whether the School Board and the County have paid
8 their assessment, Mr. Dorrill indicated that they have been invoiced, and the County’s payment
9 is not received until they have audited figures from the prior year.

10 Mr. Dorrill will check with Leigh Bryant to determine the status of the School Board’s payment.
11 The expenses side of the financials showed that the District was well within budget and at
12 midyear the total operating number was about \$150,000 below budget. Total year-to-date for
13 all categories was about \$190,000 below budget. Irrigation expenses will be increasing,
14 however, as they enter the dry season.

15 **On a MOTION by Mr. Ousley and a second by Dr. Bularzik, the Financials were then**
16 **unanimously accepted by the Board.**

17

18 **SUPERVISORS’ REQUESTS**

19 A. Sheriff’s Office Discussion

20 This item was previously addressed.

21

22 B. Parking Lot Update

23 Mr. Cole provided an estimate for the Board, with some 20 spaces allocated, including along
24 the driveway, outside of the fence, but without encroaching along the conservation area, for
25 \$50,000. Mr. Cole will be asked about enlarging the area at the entrance which would involve
26 moving the fence.

27 **On a MOTION by *** and a second by Mr. Campkin, the Board unanimously authorized**
28 **moving forward with the bidding and permitting process for the parking area.**

29

30 C. Post Office Drop Box

31 Mr. Ousley suggested that a letter be sent to the Postmaster requesting a mailbox in Lely. Mr.
32 Dorrill will write a letter for the Chairman’s signature asking for a box to make it more
33 convenient for the residents. It is dangerous to leave anything in your mailbox for pickup as it
34 can be taken from your box and used for identity theft. Mr. Ousley suggested that they
35 recommend Stock Plaza as it is on the Lely side of US41, and there are no traffic jams there.

36

37 D. Roundup

38 Mr. Campkin noted that there has been quite a bit of information lately about the dangers of

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5 this product to plants and people. Dr. Bularzik advised that it was still selling at Lowes, and at
6 the Presidents Meeting coming up Mr. Villereal will be addressing this issue with the group.
7 There have been lawsuits where large amounts of money are being awarded to plaintiffs who
8 are claiming harm from this product, and there are many more cases waiting to be tried. While
9 these cases were tried in California, Mr. Pires noted that the next trial coming up will be in a
10 more conservative area, which may be more significant, and that this pesticide issue is an
11 evolving science.

12 Dr. Bularzik will share any information she receives on this topic from the Presidents Meeting
13 with the Board.

14

15 **ADJOURNMENT**

16 There being no further public comment, Mr. Dorrill reminded the Board that the June meeting
17 would be held on the 19th. **The meeting was then adjourned on a MOTION and a second.**