

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **REGULAR MEETING OF THE BOARD OF SUPERVISORS**
4 **June 19, 2019**
5

6 The regular meeting of the Lely Community Development District Board of Directors was held
7 on Wednesday, June 19, 2019 at 1:30 p.m. at the LCDD Maintenance Building, Naples, Florida.

8
9 **SUPERVISORS PRESENT:** Gerry Campkin, Chairman
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/APPROVAL OF AGENDA**

27 All Board members were in attendance at the meeting.

28 The following items were added to the Agenda: 7A, Security Follow up; 7B, Grand Lely
29 Roundabout; 7C, Mosquito Spraying; 7D, Update on Traffic Study; 7E, Parking Lot Update;
30 7F, Post Office box; 7G, July 10 meeting; 7H, Irrigation at Lakoya, and 7I, Update on Inspira.
31 Item 4E, Hurricane Follow-up Items was added by Mr. Dorrill.

32 **With those additions, the Agenda was unanimously approved on a MOTION by Mr. Drum and**
33 **a second by Mr. Lee.**
34

35 **APPROVAL OF MAY 2019 MINUTES**

36 As it relates to the Budget Workshop, **the minutes were unanimously approved on a MOTION**

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5 **by Mr. Lee and a second by Mr. Ousley.**

6 As it relates to the regular meeting minutes, on Page 4, Line 31, the discussion was on Falcons
7 Glen.

8 **On a MOTION by Mr. Ousley and a second by Mr. Lee, the regular meeting minutes as**
9 **amended were unanimously approved by the Board.**

10

11 **MANAGER’S REPORT**

12 A. Community Patrol for May

13 This monthly report included 57 various incidents including nine trespass violations as it relates
14 to fishing in rear yards, all of which were non-residents. There were six vandalism or
15 maintenance issues reported, and five suspicious incidents, most of which were referred to law
16 enforcement.

17 There were 18 traffic assists, and aside from one turtle, there were no animals reported. Mr.
18 Bowers elaborated on the hit and run report, which was vehicular, and the culprit was not
19 located. Mr. Bowers also noted that a brush fire started by a lightning strike occurred near a
20 home, and Alvin, who was on duty, called 911 and it was quickly taken care of. Both Mr.
21 Bowers and the second shift officer, Alvin, have law enforcement backgrounds.

22

23 B. Round Up

24 Mr. Campkin asked that this item be put on the agenda as a forum for any resident to express
25 their concerns as it relates to the information coming out on Round Up following the two
26 California lawsuits.

27 Throughout the world Round Up is used for the successful growth of corn, wheat and barley,
28 among others. The ornamental use of Round Up has been ongoing at Lely for a long time. At
29 this time there have been no findings from the regulating Federal sources, both the EPA and the
30 US Health Service and centers for disease control that would discourage its use. Several
31 progressive communities, such as Sanibel and Miami Beach, have passed resolutions to attempt
32 to reduce the amount of Round Up in their horticultural maintenance programs.

33 Mr. Dorrill suggested that the Board listen to the concerns that people have, and if it is their
34 inclination, a workshop can be held this fall.

35 The University of Florida has a nationally recognized Institute of Food and Agricultural Sciences
36 which is an independent source of information, and would be an excellent source of
37 information on this topic. Their offices are part of the State Government and are located in all
38 67 counties in the State.

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5 Mr. Campkin then asked for input from those present.

6 Mr. Lee indicated that as it relates to CDD use, two ounces of Round Up is mixed with a gallon
7 of water, and is administered only by a licensed individual. Each individual community is
8 responsible for their own landscaping, and it is their decision as to what they use.

9 Dr. Bularzik noted that Bob Cook was brought in to speak to the Lely Presidents Group in June,
10 and gave them a report on Round Up, and she provided copies of his information for anyone
11 who was interested. She also offered to email it to anyone who wished to receive it.

12 Dr. Bularzik also offered to send the report Mr. Dorrill referred to from the University of Florida,
13 which also provides quite a bit of information.

14 Mr. Drum advised that a resident who lives on the lake observed an employee of the District
15 spraying the lake bank, and residents on the golf course observe spraying going on there as
16 well. Mr. Drum asked what type of chemicals they were using, and Mr. Vanover advised that
17 there are different chemicals that are used on the lake banks, and they rotate through them.
18 An aquatic version of the chemical that is in Round Up is used for spot spraying. Dr. Bularzik
19 added that they do not overspray and the spray dries very quickly.

20 Mrs. Campbell from Tiger Island Estates indicated that she wished to encourage the Board to
21 use safer options, and it is her personal belief that Glyphosate is toxic, and she has concern for
22 the residents, pets and landscape crew. She thanked the Board for having this discussion.

23 Mrs. ***Dyer from Alden Woods asked what the Board will do if the majority of residents do
24 not wish to have Round Up used. Mr. Campkin advised that they don't have answers on the
25 question yet, as they have not heard from the whole community, but they will definitely revisit
26 this when the winter residents return.

27 Mrs. Julie *** from Alden Woods shared the concerns of others as to the use of these types of
28 weed killers. They have seen pets get sick, and while they have no proof that Round Up caused
29 it, they suspect that is the cause. She urged the Board to change to nontoxic herbicides.

30 Mr. Vanover noted that there is a cancer causing fear, and there is also a toxicity issue which is
31 totally different. The toxicity level in Glyphosate is not very high, but the applicator must follow
32 the requirements on the label as far as the protection that must be worn. Those people who
33 are using masks are spraying something else, as some of the options offered have much higher
34 toxicity levels, but may be less likely to cause cancer.

35 Dr. Bularzik felt that it would be very important to hold a workshop this fall, as they would not
36 want to replace Round Up with something that could cause more problems, so research is
37 necessary. Mr. Vanover added that costs must be considered as well as increased protective
38 equipment to be used by the applicator.

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5 Mr. Ousley noted that the EPA report was very instrumental in making public safety the most
6 important issue.

7 Mr. Steve ***Barsky advised that his two dogs had cancer, which has to be more than a
8 coincidence. (inaudible section) He added that he didn't feel that they had to wait for the
9 government's opinion on this, and while the studies may not indicate any real danger,
10 sometimes science lags behind, and the real truth could eventually come out.

11 Mr. Dorrill made two distinctions for those present, and indicated that if CDD employees are
12 seen spraying in the road right-of-way which includes from the back of the curb to the sidewalk,
13 they are primarily spraying fungicide. Tests are being done on a Round up resistant, hybrid sod
14 that will reduce the amount of nutrient fertilizer. Round Up is only being used on the Collier
15 Boulevard landscape buffer.

16 Mr. Dorrill also noted that his big concern, that can be addressed in the workshop, is that the
17 next level of herbicide available to them in lieu of Round Up would require the employee to
18 wear a Tyvek suit with rubber boots and gloves and a full respirator.

19 ***A woman spoke next, her comments were inaudible.

20 Mr. Drum suggested that the HOAs be asked to attend the workshop this fall, as they have a big
21 say in what is used for spraying in the communities, as it is their right if the product is legal.

22 Most of the HOA boards have a landscaping committee, and Dr. Bularzik indicated that her HOA
23 Landscaping Committee was already looking at this issue.

24 The residents will be advised as to when the workshop will be held, and Mr. Campkin felt that it
25 would be later in the year.

26 **On a MOTION by Dr. Bularzik and a second by Mr. Drum, the Board unanimously agreed to**
27 **authorize Mr. Dorrill to check the workshop schedule for the year and coordinate some**
28 **alternatives with the Chairman for the Board's consideration.**

29

30 C. – D. Landscape Renovation Status/Line of Credit

31 The second submittal drawings from Mrs. Goetz' office was provided to the Board members, in
32 an effort to get this project bid ready. A loan application has been completed with Fifth Third
33 Bank for a line of credit. Mr. Pires has looked at the loan documents and made some suggested
34 changes that Mr. Dorrill felt were very appropriate.

35 These plans were for the various segments of the streetscape program, and for the benefit of
36 some residents who may not normally attend the meetings, Mr. Dorrill explained the contract
37 they had entered into with Mrs. Goetz to help rebuild portions of the streetscape that were lost
38 as a result of Hurricane Irma. The replacement of Queen Palms was a particular goal, as they

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5 did not fare well in the storm.

6 A workshop was held in the early spring, and the Board authorized staff to move to the next
7 level, which is plans and bid specifications, to put the project out to bid, and to obtain a line of
8 credit to spread payment over as much as ten years if the Board wished to do that. Mr. Dorrill
9 indicated that they would probably be able to present the loan documents to the Board at the
10 July meeting.

11 Mr. Pires noted that his changes simply clarified that the source of the funding would be a
12 pledge of assessments. They were also going to record a uniform commercial code, which does
13 not exist in the public financing sector. What he also provided to the bank was a form of
14 document that he has used in other CDD transactions, and his contact at the bank will share
15 that with their counsel. This form makes the transaction easier, and the bank was happy with
16 all the changes Mr. Pires asked for.

17 Mr. Lee asked a question about live oaks in the portion between the sidewalk and the street on
18 a section of Celeste Drive. Mr. Dorrill indicated that they can request some alternates in this
19 area. Mr. Carter indicated that he had already spoken to Mrs. Goetz about this and she is in the
20 process of making those changes.

21 Mr. Drum asked if these streetscape plans were in the budget that the Board had discussed,
22 and Mr. Dorrill indicated that they were, and Mrs. Goetz' estimate for this project is \$324,000.
23 The line of credit goes up to \$500,000. One of the other items contemplated was modernizing
24 the irrigation controls, which could possibly be done with the extra amount in the line of credit.
25 Mr. Drum asked for clarification that the \$324,000 included the installation of the trees and
26 shrubs, and was assured that this was the total bid amount. Mr. Dorrill indicated that this is
27 primarily a canopy and flowering tree streetscape plan.

28

29 E. Hurricane Follow Up

30 **On a MOTION by *** and a second by Dr. Bularzik, the Board unanimously approved**
31 **engaging the debris engagement concept, and would require the companies to be on site and**
32 **begin work within 12 hours of a storm event to clear the primary roadways. In the event**
33 **there is no hurricane, that same dollar value work of \$5,000 each will be done to do the**
34 **annual fall tree pruning and trimming.**

35

36 F. Parking Lot Information

37 Mr. Dorrill provided the design and permitting agreement with the civil engineer to add the
38 additional paved parking spaces to the Board for informational purposes. The total amount is

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5 less than \$10,000 in terms of the fixed fee.

6

7 **ATTORNEY’S REPORT**

8 A. G. Michael MacKenzie, PA Letter

9 Mr. Pires advised that this letter was simply a notice of filing regarding the inventory of Mr.
10 Bryant’s estate. This item was for informational purposes only.

11

12 B. Falcons Glen/Encroachment Agreement

13 Apparently a survey being done for an owner in Falcons Glen exposed two encroachments into
14 the Lely CDD drainage easement. There are two small concrete pads, one holding an AC
15 condensing unit and the other, pool equipment. The attorney for the owner sent a letter to Mr.
16 Pires asking for authorization that was never done originally.

17 Mr. Pires indicated that they are finding this issue in a number of communities within the
18 County, where developers would install equipment in side yards which had drainage
19 easements, and those were disregarded by the County. In the past year and a half the County
20 has begun to require more detailed site surveys to show all easements. If there is equipment to
21 be put on that easement, permission must be obtained from the easement holder.

22 If the Board is inclined to approve the placement of the equipment, an Encroachment and Non
23 Disturbance Agreement should be entered into between the District and the property owner
24 which acknowledges the improvement, and guarantees that if the pad is an impediment for the
25 District to repair or maintain their drainage easement, the District can remove the pad and
26 anything else sitting on the easement, and the landowner would be required to hold the District
27 harmless. Additionally, the landowner would be responsible to pay all costs associated with the
28 preparation and filing of this agreement.

29 Mr. Pires will contact the owner’s counsel and advise him of what must be done, and this item
30 will be put on the agenda for the next meeting.

31

32 C. Pollution Control Ordinance

33 This item is coming before the County Commission the following week, and Mr. Pires is sending
34 a letter on behalf of a number of CDDs. including Lely, asking them to exclude all previously
35 permitted communities that have stormwater management permits with the South Florida
36 Water Management District, and are operating and maintaining it. There are a few issues that
37 would make it impossible for some communities to retrofit their systems, including available
38 land and the huge expense involved.

4

5 **The Board then unanimously authorized Mr. Pires to write a letter to the County Commission**
6 **regarding the issue discussed above with the request for exclusion from any ordinance on a**
7 **MOTION by Dr. Bularzik and a second by Mr. Ousley.**

8

9 **FINANCIALS**

10 The seven month financials were provided to the Board, and the balance sheet showed
11 \$3,800,000 in cash, part of which was fully funded reserves. Total assets, including other
12 deposits or certain prepaid expenses brought the amount to \$3,846,000. Fixed capital assets
13 were \$10,000,000, primarily infrastructure, irrigation utility, and associated drainage facilities.
14 Also included was the horses monuments. There was \$10,000 in payables at that time.
15 The total fund balance was \$13,847,000. The income statement showed 96 percent of all
16 assessment revenues having been received at the end of seven months. Some additional
17 auction money was received but not yet noted in the financials.

18 Interest income was substantially more than what was originally forecast. \$7,000 was received
19 the previous month, and at a little more than midyear the District has realized \$43,000. They
20 expect to be close to \$80,000 in interest income at the end of the year.

21 The second quarter CSA payment was received from Vesta and was booked during the month
22 of April. The midyear actual was \$506,000. The third quarter payment has not yet been
23 received, and Mr. Dorrill felt that this company needed to do a better job in paying this
24 quarterly payment in a timely manner. Mr. Gelder has been advised of this issue.

25 The year-end projection for CSA income is \$100,000 over budget, a reflection of the final build
26 out of the community. Arlington, the Board of County Commissioners, and the County School
27 Board are all billed separately.

28 Mr. Dorrill indicated that Mr. Carter continues to do an excellent job in keeping costs down,
29 adding that the administrative cost center is over budget by \$7,000 in computer services due to
30 ongoing work to convert the website for the impaired. Wages were about \$40,000 under
31 budget due to the vacancies that occurred in the early part of the year. There are two positions
32 that still need to be filled.

33 The District is slightly over the year-to-date budget on health insurance, which Mr. Dorrill did
34 not feel was material at this point. Overall for total operating expenses at the end of seven
35 months, the District was \$143,000 under budget, fully funded on reserves, and with a very
36 healthy cash position.

37 **On a MOTION by Mr. Lee and a second by Mr. Drum, the Board unanimously accepted the**
38 **seven month financials.**

5 **SUPERVISORS' REQUESTS**

6 A. Community Patrol Law Enforcement Follow Up

7 A survey has been done on this issue, and Mr. Dorrill had it summarized and passed copies out
8 to the Board members.

9 Mr. Dorrill advised that they reached out to the Florida Wildlife Commission, who are all police
10 officers. As a general rule, however, they do not do special or off duty contracts work. Mr.
11 Bowers indicated that if any individual officer wanted to do this type of work they are able to,
12 but the Wildlife Commission does not manage that work. Additionally, they do not do traffic
13 enforcement activities.

14 They also spoke to the Florida Highway Patrol, that requires an additional supervisory fee to
15 coordinate the off duty work schedules. Mr. Dorrill wondered if the Sheriff's Department could
16 work the summer months as off duty deputies, and Mr. Drum advised that it was his
17 understanding that the Sheriff is still having problems filling the quota of deputies they need to
18 cover the County, and Mr. Lee indicated that right now they are about 120 deputies
19 understaffed.

20 The Board discussed the option of hiring an additional in house security person to be on Mr.
21 Bowers' team, noting that unless they had an official officer or deputy, no tickets could be
22 issued. Mr. Drum did not think that the amount of tickets written really warranted the money
23 they were paying for the Sheriff's deputies, and felt that an additional security person could
24 make a difference. He suggested that a recommendation be proposed and given to the Board
25 at the next meeting to add an additional security patrol and extra car. Mr. Bowers added that
26 he does use the radar gun and it is effective. Mr. Dorrill indicated that staff would work on the
27 proposal for the next meeting.
28

29 B. Roundabout at Grand Lely

30 There are continuing problems with the roundabout at the Horse Monument on Grand Lely
31 with cars going the wrong way. There is an arrow in place that is misleading and has not been
32 removed by the County despite complaints. (Overtalk Discussion)

33 Mr. Pires suggested that they go to the County again on this, as it has been roughly three years
34 since they last asked them to remove it. As it is more of an engineering issue, he felt that the
35 request should come from Mr. Carter or Mr. Dorrill.
36

37 C. 11:00 p.m. Mosquito Spraying

38 Dr. Bularzik wanted those present to be aware that this spraying will take place that night.

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5 D. Traffic Study Update/All Way Stop

6 This item was on the consent agenda for the Commissioners meeting a couple of weeks
7 previously, and it was approved with an attached budget. Dr. Bularzik asked Commissioner
8 Fiala’s assistant when this was going to occur, and he was going to check on that.

9 Mr. Dorrill indicated that he heard it was imminent, perhaps this week.

10 A sign indicating that a stop sign is coming up will be installed to warn everyone of this change,
11 and the signs themselves will initially have flashing lights.

12 Lely will eventually replace the signs with their regular boutique style.

13

14 E. Parking Lot Update

15 This item was previously discussed.

16

17 F. Post Office Box

18 Mr. Dorrill has not yet heard about the possibility of a mail box in Lely, but he will follow up on
19 this and ask for a response.

20

21 G. July 10 Meeting

22 Dr. Bularzik reminded those present that the July meeting was going to be held a week early, on
23 July 10th. Mr. Dorrill will be participating via speakerphone.

24

25 H. Inspira

26 Mr. Dorrill advised that Inspira had been exempted from the Master HOA, so the District is not
27 eligible to bill them for CSA services as they have their own wells.

28

29 I. Lakoya Irrigation

30 Lakoya continues to use a large amount of water as their common areas are quite big and they
31 have a large number of plantings as well. All the communities pay the same for the water use,
32 and Mr. Dorrill indicated that in order to get them to pay a fair share, it would require sub-
33 metering all of the other neighborhoods and then go to a meter sale and get into utility billing.

34 At the inception of Lakoya, all residences were required to have an irrigation meter, and for
35 years the residents would have to pay the cost of installing that meter at their house.

36 There are submeters at both entrances of Lakoya, and if the District wished to move forward on
37 this, Mr. Cole would have to prepare some estimates as to what it would cost to sub-meter the
38 individual neighborhoods.

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5 Mr. Dorrill added that residents use water at Lely very freely, and Mr. Lee suggested that they
6 turn the water off on Thursday nights and put it back on Friday night to cut down on this use.

7 Mr. Dorrill suggested that staff go back and prepare some summaries of the amount of water
8 being purchased from the County, and the amount that the District is pumping over the past

9 two to three years. Mr. Lee indicated that they are pumping almost a million gallons a week,
10 which is a very high number.

11 Mr. Dorrill will get this information for the Board, to be looked at and discussed further once
12 they receive it from Mr. Cole.

13

14 **PUBLIC COMMENT**

15 Mrs. ***Major from the Classics asked what Mrs. Goetz charged for her services, and Mr.

16 Dorrill asked her to see him after the meeting so he could find that number in the general

17 ledger. She also asked if there was a copy of the plan on the website, and was advised that

18 there was not, as it has not yet been approved. Mrs. Bularzik indicated that she will give Mrs.

19 ***Major the one she had in her booklet so she could see what is contemplated.

20 Mrs. Major also noted that the Classics has been built out at 248 houses.

21

22 **ADJOURNMENT**

23 With a note that the July meeting would be held on the 10th, the meeting was adjourned at 3:05

24 p.m. **on a MOTION by Mr. Drum and a second by Mr. Ousley.**

25