

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **PUBLIC HEARING AND**
4 **REGULAR MEETING OF THE BOARD OF SUPERVISORS**
5 **August 21, 2019**
6

7 A public hearing and the regular meeting of the Lely Community Development District Board of
8 Supervisors was held on Wednesday, August 21, 2019 at 1:30 p.m. at the LCDD Maintenance
9 Building, Naples, Florida.

10
11 **SUPERVISORS PRESENT:** Gerry Campkin, Chairman
12 William Lee, Vice Chairman
13 Harold Ousley, Treasurer
14 Kenneth Drum, Secretary
15 Anne Marie Bularzik, Supervisor, Assistant Secretary
16 **ALSO PRESENT:** Neil Dorrill, Dorrill Management
17 Kevin Carter, Operations Manager
18 Tony Pires, District Counsel
19 Freddy Bowers, Director of Community Patrol
20
21

22 **ROLL CALL**

23 All Board members were in attendance at the meeting.
24
25

26 **PUBLIC HEARING**

27 Mr. Dorrill opened the Public Hearing, noting that the budget had been previously
28 workshopped, and subsequent conversations related to an expanded community patrol were
29 held, which will not affect the assessment rate of \$797.

30 The total amount of non ad valorem assessments proposed is \$2,502,357, and the CSA
31 revenues for next year are projected at \$1,037,000, for a total of \$3,960,271 in revenues for the
32 District for the coming fiscal year.

33 The total number of units within the CDD is 3,139, and the projected number of CSA units is
34 1,300. As a result of that, the budget that was originally approved to be adopted at this
35 meeting has a couple of revisions to be made.
36

1 **Lely Community Development District – Minutes**
2 **August 21, 2019**
3 **Page 2**
4

5 On the capital side, a capital improvement for street lighting was anticipated, and will be
6 awarded later at the regular meeting for \$340,000. The amount of \$350,000 had been
7 budgeted for this. The street scape renovation project budget is \$319,000, and will also be
8 awarded.

9 Mr. Dorrill noted that under the capital side of the budget, the additional \$319,000 will be
10 added, and the corresponding line of credit will be increased to \$659,000 from the original
11 \$350,000. If the Board authorizes it, he will make the changes and provide a clean version of
12 the budget to them. The term sheet for the letter of credit was included in the agenda packet,
13 and the Board will be asked to authorize that as well.

14 In response to Mr. Drum’s question, Mr. Dorrill advised that there are three changes to be
15 made in the budget, including capital, equipment and operating changes. These will be
16 reflected in the new total, which will not affect the assessment rate. The difference in money
17 that will be needed will either come from reserves or the line of credit.

18 Mr. Dorrill suggested that the cost of the new vehicle for community patrol should come from
19 the capital reserve, and there is a separate schedule included in the packet where staff has
20 summarized the additional expenses associated with the new position for community patrol.
21 All of these changes will be amendments which there will be a final vote on after this budget
22 presentation.

23 Mr. Dorrill then asked for comments from the public, and there being none, Mr. Lee then asked
24 about the payoff term for the line of credit. Mr. Dorrill explained that the bank’s loan
25 committee established a repayment mechanism that will automatically renew at the end of
26 every two years.

27 Dr. Bularzik asked where the money for the expansion of the parking lot would be noted, and
28 Mr. Dorrill advised that it would come from the reserve fund, adding that there will also be
29 approximately \$200,000 in carry forward cash from this fiscal year which could be a source of
30 the money for that expansion.

31 The Public Hearing was then closed.

32 Mr. Dorrill then read Resolution 2019-2, adopting the final general fund budget for the Lely
33 Community Development District for fiscal year 2020, into the record.

34 **On a MOTION by Mr. Drum and a second by Mr. Lee, the Board unanimously approved**
35 **Resolution 2019-2, and authorized the Chairman to sign the relevant document.**

36 Resolution 2019-3, levying a maintenance assessment with the Lely Community Development
37 District for fiscal year 2020 in the amount of \$2,502,357, or \$797 per equivalent dwelling unit,
38 was then read into the record.

5 **On a MOTION by Mr. Drum and a second by Mr. Ousley, the Board unanimously approved**
6 **Resolution 2019-3, and authorized the Chairman to sign the relevant document.**

7 Mr. Dorrill then noted that he would reflect the addition of the landscape project at \$319,000,
8 and the operating costs associated with the expanded community patrols and incorporate them
9 into the budget.

10

11 The Public Hearing was then adjourned, and the regular meeting was opened.

12

13 **INVOCATION AND PLEDGE OF ALLEGIANCE**

14 Mr. Dorrill offered an invocation, and the Pledge of Allegiance was recited in unison,
15

16

16 **APPROVAL OF AGENDA**

17 The following items were added to the agenda: 7A, Update on Mailbox; 7B, Thank you to Mr.
18 Carter and Mr. Bowers; 7C, Short discussion re: Parking Lot Expansion; 7D, Roundup Workshop;
19 7E, Meeting Room Rules and Regulations; 7F, Benches; 7G, Update on Turnover; 7H, Stop Sign
20 Crossing; 7I, Staybridge Hotel Irrigation, and 7J, Security on Weekends.

21 **On a MOTION by Mr. Ousley and a second by Dr. Bularzik, the Agenda was then unanimously**
22 **approved as amended.**

23

24 **APPROVAL OF JULY 2019 MINUTES**

25 On Page 4, Line 21, “arrives” should read “arises”.

26 On Page 5, Line 16, the word “ruling” should read “position”.

27 On Page 6, Line 25, Mr. Drum felt that benches should be added along Celeste.

28 With these changes, **the July, 2019 Minutes were unanimously approved as amended on a**
29 **MOTION by Mr. Lee and a second by Mr. Drum.**

30

31 **MANAGER’S REPORT**

32 **A. Community Patrol July Summary**

33 There were 51 total incident reports, including 13 trespass violations involving fishing, 12 of
34 who were non-residents. There were three vandalisms with community property damage, two
35 loitering reports involving people coming in to pick fruit, eight suspicious vehicle reports, and
36 16 community gate related assists. There were a couple of animal related incidents, one
37 involving an osprey, and the other a large doe that was hit.

38 (Mr. Lee’s comments were inaudible.)

4

5 Mr. Campkin asked about the drone activity in the area, and Mr. Pires advised that the only
6 entity that he was aware of that had authority over drones was the FAA, and he will check on
7 this for the Board. Apparently realtors, along with engineering and surveying firms use them.

8

9 B. Line of Credit

10 This will be a revolving line of credit, and Mr. Pires worked with the bank officials as it relates to
11 lending to governmental bodies, as there are several differences and instruments that do not
12 apply in these cases.

13 Mr. Drum asked for clarification on this revolving line of credit, and Mr. Dorrill indicated that is
14 considered a revolving line, and the final interest rate is pending the closing date. It will be
15 priced either as a variable rate or a fixed rate, and Mr. Dorrill felt that the District would prefer
16 the latter.

17 The total document and recording fees are roughly \$3,700, plus the fee for recording it in the
18 County records. Once the final closing documents are received they will be provided to Mr.
19 Pires for his review. Mr. Pires noted that on an amount of this size interest is sometimes
20 charged monthly and the principle balance is usually paid down once a year. Mr. Dorrill
21 indicated that he would prefer it if they could make a payment quarterly on the principle.
22 While the Board has not given him clear direction on this, he advised that he would prepare an
23 interest and principle schedule for them so that they can pay down the costs and amortize the
24 costs over ten years.

25 Mr. Drum asked if any points or charges would have to be paid at the end of the two year
26 period, and Mr. Dorrill indicated that some new loan origination fees will be charged if they roll
27 the loan over for an additional two years, at the same rate of \$3,700. Mr. Dorrill would have
28 preferred to have three year terms, but at this point he has been unsuccessful in getting the
29 bank to agree to that. They can prepay the loan, however, at any time.

30 (Mr. Lee's comments inaudible.)

31 After a discussion among the Board members regarding the District's very good cash position,
32 Mr. Dorrill indicated that they could pay cash at this point for all of the landscape renovations
33 and the LED street light conversion. Because of the anticipated life of those assets, the Board
34 had previously directed Mr. Dorrill to look into a line of credit and spread those payments out
35 over time. However, as previously noted, they can be prepaid at any time without penalties.
36 Mr. Dorrill will try to get an additional year from the bank for a three year term, and it is his
37 intent to structure, at least initially, a ten year amortization, which can be reviewed by the
38 Board on a regular basis.

5 For clarification, Mr. Pires added that maturity has to be less than five years, otherwise you are
6 required to go through a validation process.

7 **Mr. Lee made a MOTION that was seconded by Mr. Ousley, to authorize the loan, and the**
8 **closing could be scheduled to go forward. The Chairman was authorized to execute all of the**
9 **loan documents. The Board will ask for a three year term, but will agree to a two year term if**
10 **necessary. The Motion passed unanimously.**
11

12 C. Landscape Lighting Proposal

13 A proposal was developed to replace and/or repair certain aspects of the US41 ground level
14 landscape lighting that is within the Horse Monument. Much of the lighting that is underwater
15 is no longer reliable and does not have much benefit, and Mr. Carter is recommending that any
16 of the underwater features be replaced. The proposal from Stahlman-England Landscape
17 includes solid brass fixtures and institutional grade lighting, in an amount of \$10,135.

18 Mr. Carter indicated that the intention was to remove the underwater lighting and mount them
19 above the waterline to increase the lighting on the horses.

20 Mr. Carter felt that this work could begin in 30 days, and the Board members agreed that this
21 monument was an important feature at Lely, and should be improved and enhanced.

22 **On a MOTION by Dr. Bularzik and a second by Mr. Ousley, the Board unanimously approved**
23 **the contract to replace and upgrade the lighting at the US41 Horse Monument.**
24

25 D. Community Patrol Vehicle

26 Mr. Dorrill asked the Board for their after-the-fact approval in anticipation of the expanded
27 community patrol, to authorize the purchase that was made for the patrol vehicle. Mr. Dorrill
28 spoke to the previous Board chairman about this as Mr. Campkin was not available, as a unique
29 opportunity arose to purchase a 2019 vehicle before the price increases occurred.

30 Mr. Pires suggested that the motion should be to ratify and affirm the purchase of this vehicle,
31 and **on a MOTION by Mr. Ousley and a second by Mr. Drum, the Board unanimously ratified**
32 **and affirmed the purchase of the 2019 Patrol vehicle from Tamiami Ford.**
33

34 E. Landscape Bid Award

35 The bid date was two weeks previously, and was coordinated by the District's landscape
36 architect for the streetscape renovations. There were four bidders, and the lowest and most
37 responsive bid was from O'Donnell Landscaping at \$319,000. The high bid in this case was
38 \$364,000. The landscape architect, Mrs. Goetz, and staff have recommended an award to

1 **Lely Community Development District – Minutes**

2 **August 21, 2019**

3 **Page 6**

4

5 O'Donnell Landscapes of Naples.

6 Pat Wager from the Classics indicated that her experience with O'Donnell was not good, but
7 she noted that she could not speak from total knowledge, but the project took too long and the
8 residents were told that O'Donnell was doing another large job on Marco at the same time.

9 Dr. Bularzik suggested that a certain time frame be put into the contract as part of the
10 performance criteria, and that O'Donnell would suffer a penalty if they did not adhere to it.

11 Mr. Dorrill suggested that the bid award be tabled subject to a review and confirmation of
12 references, and in addition, that the schedule will be tightened up. Some performance criteria
13 or potentially some penalties if the job is not brought in on time will be included.

14 In return, Mr. Dorrill stated that the contractor will want to include other clauses related to acts
15 of God, unusual rain delays and other events, and in fairness, it does work both ways.

16 Mr. Drum suggested that they check out Stahlman, as so often when some companies get the
17 money up front there are delays and difficulties in getting things done.

18 The Board agreed that they would revisit this item the following month. Mrs. Goetz will be
19 asked to provide a copy of her proposed contract documents to Mr. Pires. Mr. Carter
20 suggested that Mr. Pires could write the contract to put more of a draw on the back end of it to
21 control the performance.

22 Mr. Pires noted that typically draws are made after certain documents are provided showing
23 costs and expenses, and another option would be to have a pre installation meeting where a
24 schedule is agreed upon, and the performance could be tied to that schedule. Additionally, a
25 failure to perform could result in termination of the contract, and the contractor would only get
26 paid for approved work up to that point.

27 Mr. Carter pointed out that a right-of-way permit will be required to do this work, and Mr.
28 Dorrill indicated that he was not opposed to the District's civil engineer making application for
29 this permit to get this project going.

30 **On a MOTION by Dr. Bularzik and a second by Mr. Ousley, the Board unanimously approved**
31 **proceeding with obtaining the right-of-way permit so the project could move forward.**

32

33 **F. Award of LED Streetlight Conversion**

34 This item relates to the LED streetlight conversion, for which five bids were received. The
35 District's electrical engineer coordinated the bid, and the lowest and most responsive bid was
36 Mark's Electric, at \$343,697.66. The recommendation of the engineer was to award the
37 contract to Mark's Electric, LLC. Staff recommended approval.

38 Mrs. Wager from the Classics felt that this was a good thing that the Board was doing, and

5 since this is such a big contract, she wondered if their HOA at the Classics, which wants to do
6 the same thing, could join forces along with several other communities that would like to do
7 this, and perhaps gain some buying power. Mrs. Wager was advised that this would have to be
8 done through the HOA presidents, and Dr. Bularzik suggested that she bring this idea to the
9 group, and added that she would support Marks Electric.

10 For clarification, Mr. Dorrill noted that the agenda for today was amended to add item 4F, the
11 award of the LED street light conversions to Marks Electric for \$343,697.66.

12 **On a MOTION by Dr. Bularzik and a second by Mr. Ousley, the Board unanimously approved**
13 **the award of the street light conversions to Marks Electric in the amount indicated above.**
14

15 G. Additional Community Patrol

16 In response to a question from Mr. Lee regarding the new employee for Community Patrol, Mr.
17 Dorrill indicated that Mr. Shaw, who is the son of the weekend part time employee, Bob Shaw,
18 will work a second shift, from 300 to 11:00, with an overlap. Mr. Shaw, Sr.'s schedule is
19 Monday through Friday from 8:00 to 4:00.
20
21

22 **ATTORNEY'S REPORT**

23 A. Encroachment Agreement/Falcons Glen

24 The agreement has been signed and recorded, and all fees have been paid along with the
25 deposit to the District. Mr. Carter has a copy of the documents.
26

27 B. Workshop of Rules and Procedures

28 Mr. Pires suggested that if the Board wished, they could have the first part of the workshop in
29 October. The Board agreed that this would be a good time for that workshop.
30

31 **FINANCIALS**

32 The end of the third quarter financials were presented to the Board, and the balance sheet
33 showed \$3,900,000 in cash, with \$1,500,000 of that noted as being in reserve for capital
34 improvements. At the end of this quarter there was \$49,000 in payables.

35 The income statement showed that in June quite a bit of revenue was received, including
36 \$22,000 from the tax certificate sale, and several items of miscellaneous income. Those
37 included a payment from the Board of County Commissioners for the benefits they receive
38 from street lighting and drainage, interest income was well over what was anticipated at

4

5 \$57,000, a third party billing from Astor from the benefits they receive from being in the CDD,
6 and the third quarter CSA revenue at \$289,000. Additionally, the proceeds from the auction
7 held in June were noted.

8 Mr. Drum asked if the Cordova Apartments located within the CSA collection area is paying
9 their fee, and Mr. Dorrill indicated that he presumed that they were, but noted that the District
10 gets its money from the Master in any event. Mr. Drum added that these different entities
11 come to the Board asking to be included in the benefits the CDD offers, and then Mr. Dorrill in
12 many cases has to chase them for payment. He suggested that the District begin to charge a
13 late fee, and Mr. Dorrill advised that he would check on some of these for their anniversary
14 dates for billing purposes, and determine if the Board is eligible to charge late fees.

15 As it relates to operating expenses, Mr. Carter has done a good job in keeping costs down, and
16 through the end of the first quarter that line item is \$140,000 below budget on overall
17 expenses.

18 Mr. Lee suggested that the Board give Mr. Carter the authority to use overtime to help remove
19 all the Queen Palms that will be coming out before the new landscaping project begins. Mr.
20 Carter had requested some bids on their removal just to ascertain what the costs would be,
21 which would be approximately \$135 per tree. Doing it internally will save quite a bit of money.
22 Mr. Carter will be given flexibility on how to best handle this work.

23 **On a MOTION by Mr. Lee and a second by Mr. Drum the financials were then unanimously**
24 **accepted by the Board.**

25

26 **SUPERVISORS' REQUESTS**

27 A. Mailbox

28 Mr. Carter advised that after getting a bit of a runaround as far as reaching the Postmaster, he
29 still did not have a definitive answer on this, but those people he has talked to have advised
30 him that they don't do mailboxes in individual communities anymore. Mr. Ousley suggested
31 that the Postmaster General be contacted on this.

32

33 B. Thanks to Mr. Carter

34 Dr. Bularzik expressed her thanks to Mr. Carter for the tour he provided of the pumps and
35 outbuildings, and down to where the weir is located. It is very helpful to know what is involved
36 with these things as they are discussed at Board meetings.

37 Dr. Bularzik added that in one of the outbuildings there were several large bags full of empty
38 beer cans which have been collected off the roadways by Mr. Carter's crew. She also thanked

1 **Lely Community Development District – Minutes**

2 **August 21, 2019**

3 **Page 9**

4

5 Mr. Carter for all his efforts to keep the community clean, and for his help with Marks Electric.
6 Dr. Bularzik also thanked Mr. Bowers for his immediate response whenever there is an issue or
7 a request.

8

9 C. Workshop Discussion

10 Mr. Dorrill advised that this is the time of year when Dee in his office advertizes the regular
11 meeting and workshop schedules, and now that a workshop is lined up for October, there
12 probably won't be another one until the new year.

13 Mr. Pires suggested that rather than a workshop on the Sunshine Law this January, under his
14 regular report he will advise the Board of any updates to that law.

15 The Board agreed that Part 2 of the Rules and Procedures workshop will be held in February,
16 the annual Law Enforcement workshop in March, and in April the Transportation and Planning
17 workshop.

18 Dr. Bularzik reminded the Board that the last time they discussed a Roundup workshop it was
19 agreed that they should hold it during the season so more people could attend. After a brief
20 discussion it was agreed that the Roundup workshop would be held in January.

21 Mr. Dorrill noted that the University of Florida is the recognized extension university for these
22 types of issues, and the Institute of Food and Agricultural Sciences is one of the preeminent
23 agricultural schools in the country. Unless the Board advises otherwise, staff will reach out to
24 IFAS, which has two facilities in Collier County, to determine if they have someone who can
25 speak to the Roundup issue, and do the advance planning for someone from that Institute to
26 speak on herbicides in general and Roundup in particular.

27 The Budget workshop will be held in May, and June or July will be the hurricane workshop.
28 That will then be the seven published workshop for the coming year.

29 Mr. Drum suggested that the hurricane workshop include a discussion on some of the newest
30 products available for protection from these storms. Mr. Dorrill suggested that they reach out
31 to the County and have them address the Board on that issue, as the Lely CDD should not be
32 endorsing any particular product.

33

34 D. Parking Lot Expansion

35 The District engineer is in the process of developing a topographic survey, and has indicated
36 that it should be completed within the next week and a half. At that point the plan will be
37 developed and it will then go out to bid.

38

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

2 ***August 21, 2019***

3 ***Page 10***

4

5 E. Master Turnover

6 Dr. Bularzik noted that she has heard very little on this, but the Turnover Committee has asked
7 that the group be expanded from three to seven members, but the group declined to proceed
8 with that. The turnover has been pushed out to 2020 at this point.

9

10 F. Benches

11 While the Board approved one bench the previous month, Dr. Bularzik suggested that a bench
12 plan be set up as Mr. Carter has to do the same amount of work for one bench as he would for
13 five, such as permitting and other preliminaries. Mr. Lee indicated that first you would have to
14 figure out where they would be placed, and the Board members briefly discussed location
15 options. (Overtalk) The Chairman suggested that this item be put on hold until an appropriate
16 spot for another bench can be determined.

17

18 G, Stop Sign Crossing

19 Dr. Bularzik noted that Jan *** will continue to work with the DOT to try to keep the flashing
20 light going around the signs through the season, if not permanently. The people Dr. Bularzik
21 has spoken with seem to feel that the four way stop was a very good idea, and Dr. Bularzik
22 agreed that the lights should stay in place during the season.

23 Mr. Campkin noted that cyclists are going to have to understand that they must obey the stop
24 signs just like everyone else. Additionally the hash marks on the roadway out of Wildflower on
25 to Grand Lely were not put down. (Overtalk.)

26 Mr. Carter took the County's engineer to the area and showed him the arrow, and how
27 following its path would take them the wrong way. The County engineer is working to get the
28 arrows removed. After a general discussion, Dr. Bularzik indicated that she will ask Jan if there
29 is any cost associated with leaving the flashing lights up at the stop signs, and how other
30 communities are handling this.

31

32 H. Staybridge Hotel

33 Mr. Lee asked if Mrs. Carlson had been checked with to determine if the hotel has been paying
34 for their irrigation water. Mr. Lee was told that the developer advised that he had paid
35 something to the CDD. Mr. Dorrill indicated that all of the commercial parcels adjacent to
36 Triangle are in the CDD and are part of the methodology. The main line is on his property, so he
37 would be paying, and he will run that down for the Board.

38 Mrs. Carlson administers and updates the assessment role as changes occur, every year.

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

2 ***August 21, 2019***

3 ***Page 11***

4

5 At the point that Stock recorded the condominium document, that changed the methodology,
6 effective immediately, for the ensuing year.

7

8 **I. Weekend Security**

9 Mr. Drum asked if it was possible to add some security hours to Saturday mornings, as there is
10 quite a bit of activity taking place before security begins at 11:00. Cars are parking on both sides
11 of narrow streets, causing a traffic hazard, and garage sales and signage are going up early on
12 Saturday mornings. Mr. Drum asked Mr. Bowers if it was possible to cover those Saturday
13 morning hours, either by borrowing hours from Sunday or extending the Saturday hours.

14 Mr. Bowers indicated that Mr. Shaw works the 3:00 to 11:00 shift on weekends, and that could
15 be extended, but there would be a substantial increase in wages. He suggested that the sheriff
16 will come if they are called, but it may take some time for them to get there as it would not be
17 considered an emergency.

18 Mr. Dorrill suggested that they could explore an answering service that could be utilized in the
19 event of an unusual safety related concern, and the guards could rotate the on- call status.

20 They could also revise the work schedule and pay some overtime on Saturdays.

21 Dr. Bularzik suggested that this may be a conversation that should be held with the HOA
22 presidents as well.

23 Mr. Dorrill will look into this and keep the Board advised.

24

25 **Staybridge Hotel – Continued**

26 Mr. Pires took the opportunity to check Mrs. Carlson’s website, and apparently the Staybridge
27 Hotel has paid just a little under \$4,000 in CDD assessments in the current year. This
28 assessment is tied to acreage, and they have been paying this amount from the very beginning,
29 whether there was a hotel there or not.

30

31 **J. ICE Immigrant Raids**

32 Mr. Campkin noted that apparently raids have been carried out locally by ICE, and several
33 people working within the District have been arrested and are currently in jail. He asked who
34 was responsible for protecting the people working with the local communities. Mr. Pires
35 indicated that the District does not have the authority or the ability to protect these people,
36 and it would be up to the individual employer or property owner when they are hired to make
37 sure that they had the proper documentation. A contractor should be properly licensed, and
38 complying with all the code, one of which is to ensure the legal status of their employees.

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

2 ***August 21, 2019***

3 ***Page 12***

4

5 **PUBLIC COMMENTS**

6 Mrs. Wager from the Classics noted that they are having some bank restoration work in the
7 Classics, and asked if that was being done by the District or the Master Association. Mr.

8 Campkin advised that this was being done by the Master.

9 Mrs. Wager also asked if the hedges along Lely Cultural Boulevard were being maintained by
10 the CDD, and Mr. Dorrill indicated that outside of the road right-of-way is not maintained by
11 the CDD. That it is part of the golf course, and the Classics HOA paid to have the hedges put
12 back up and pruned after the storm.

13

14 **ADJOURNMENT**

15 The September meeting will be held on the 18th, and **the meeting was adjourned at 3:18 p.m.**
16 **on a MOTION by Mr. Drum and a second by Mr. Lee.**