

1                                   **LELY COMMUNITY DEVELOPMENT DISTRICT**  
2                                   **NAPLES, FLORIDA**  
3                                   **REGULAR MEETING OF THE BOARD OF SUPERVISORS**  
4                                   **January 15, 2020,**  
5

6                   The regular meeting of the Lely Community Development District Board of Supervisors  
7 was held on Wednesday, January 15, 2020 at 1:50 p.m. at the LCDD Maintenance Building,  
8 Naples, Florida.

9  
10 **SUPERVISORS PRESENT:**                   Gerry Campkin, Chairman  
11   William Lee, Vice Chairman  
12   Harold Ousley, Treasurer  
13   Kenneth Drum, Secretary  
14   Anne Marie Bularzik, Supervisor, Assistant Secretary  
15 **ALSO PRESENT:**                               Neil Dorrill, Dorrill Management  
16   Kevin Carter, Operations Manager  
17   Tony Pires, District Counsel  
18   Freddy Bowers, Director of Community Patrol  
19  
20

21 **INVOCATION AND PLEDGE OF ALLEGIANCE**

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

24 **ROLL CALL**

25 All Board members were in attendance at the meeting.  
26

27 **PUBLIC COMMENT**

28 No Public Comment was received at this time.  
29

30 **APPROVAL OF AGENDA**

31 With the addition of Items 7A, Signature Club Tax Bill; 7B, "Tax Payer" Letter; 7C, Parking Lot  
32 Update; 7D, Green Links; 7E, Land on 41; 7F, Holes in Roadway; and 7G, Land Transfer, **the**  
33 **Agenda was unanimously approved as amended on a MOTION by Mr. Lee and a second by Dr.**  
34 **Bularzik.**  
35  
36

5 **APPROVAL OF DECEMBER, 2019 MEETING MINUTES**

6 On Page 5, Line 21, \*\*\*Inaudible correction\*\*\*

7 On Page 7, Line 24, the color of the flags should be orange.

8 On Page 8, Line 10, the letter was signed by “A Taxpayer”.

9 Additionally on this page, Line 23, the inaudible portion should read that as the contractor was  
10 using the engineering drawings from the early 1990s, \*\*\*Could not hear next part\*\*\*

11 **With these corrections, the Minutes were unanimously approved on a MOTION by Mr. Lee**  
12 **and a second by Mr. Drum.**  
13

14 **MANAGER’S REPORT**

15 A. Community Patrol

16 There were a total of 71 incidents in December, including a number of dogs who had gotten  
17 loose. There was a large break in a 24 inch irrigation pipe under 80 pounds per square inch of  
18 pressure, which caused some flooding and took some time to clean up.

19 There were several incidents of suspicious people and trespassing incidents of people fishing,  
20 the majority of whom were non residents. There were a number of traffic assists, and special  
21 patrols involving speeding vehicles, especially along Grand Lely.

22 The report from the Sheriff’s Department reflected the large number of traffic enforcement and  
23 assistance, and suspicious incidents.

24 Mr. Bowers also noted that there were many bird watchers in the area.  
25

26 B. Lake Bank Erosion Update

27 This work has begun, and the Board members were provided a site map showing the areas  
28 where work will be done. Mr. Carter was thanked for the advance work in meeting with the  
29 affected neighborhood representatives and answering their questions.

30 They have an excellent contractor, and Mr. Dorrill will continue to update the Board on this  
31 project going forward.  
32

33 C. Street Light Update

34 Mr. Dorrill noted that crews are out working on the lights, and the conversion is on schedule.  
35

36 D. Streetscape Update

37 Mrs. Goetz, the landscape architect, has received a third set of comments from the County, and  
38 once an approval is received from them and the permit issued, they will move forward. This

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5 is a large project, and the planning has been ongoing for quite some time. A blast email will be  
6 sent out to the Presidents Council advising them of where the project is at this point and when  
7 it will start. Dr. Bularzik indicated that she would be happy to work with Mr. Carter in preparing  
8 this information for the Presidents Council.

9 Mr. Dorrill reminded those present that the contractor is O'Donnell Landscape.

10

11 **ATTORNEY'S REPORT**

12 **A. Phantom Units at Lely Resort**

13 Mr. Pires went back and looked at the PUDs for the Lely Lakes property. Up until 1993 that  
14 property was zoned agricultural, and at that point the County Commission rezoned it for mixed  
15 use PUDs. There were 720 units, 1,495 acres, and a 27 hole golf course. In 1998 there was an  
16 amendment to the Lely Lakes PUD, a few acres were added to bring the acreage up to 1559,  
17 and increased the density from 720 to 749 with the potential for a 150 room hotel and ten  
18 acres of commercial. There was no indication that there was any transfer of units anywhere  
19 else from what Mr. Pires saw at that point.

20 In 2003, the PUD changed from Lely Lakes to Wentworth Estates PUD, and went up to 1,200  
21 units. 500 acres of that original PUD was sold to the State of Florida.

22 In 2013/15, \*\*\*Lennar obtained an amendment and they took the unit count from 1,200 to  
23 1,450 and added 5.5 acres. In the 20 years between 1993 to 2013, Mr. Pires did not see any  
24 reference to them obtaining any units from somewhere else.

25 Mr. Drum noted that Lely Resort started at about 10,000 units, and there was a proposed  
26 Weston hotel at the corner of Lely Resort Boulevard and Grand Lely. Weston did not exercise  
27 their option for the hotel, and at this point it was not yet owned by Stock. Mr. Drum then  
28 asked if they transferred the development rights, and Mr. Pires indicated that he did not see  
29 that transfer in the documents for the original PUD when they changed from agricultural.  
30 It was Mr. Drum's recollection that either Stock or Lely Development sold the units that ended  
31 up as Treviso Bay.

32 Mr. Drum then asked if considering the 10,000 units, what would happen if they subtracted the  
33 units that were going to be a hotel. Mr. Pires indicated that the County has a transfer of  
34 development rights system geared towards rural lands, to transfer them to a more urban  
35 setting to increase the density. Again, however, he did not see that transfer in the records.  
36 Typically, if you have a DRI or a PUD with X number of units that was originally approved, and  
37 only half are used, the other half may be phantom units, but are generally contained within  
38 that community unless there is an ordinance in place that allows them to be transferred

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5 elsewhere. Mr. Pires did not see evidence of that. The land is not useless if it can be developed  
6 within that DRI.

7 Mr. Drum then asked because the units are phantom, whether they exist or not, and they are  
8 owned by Stock, if that gives him the right not to turn over the Master Association. Mr. Pires  
9 indicated that those are two parallel but different issues. The number of units allowed under a  
10 set of covenants or deed restrictions would govern turnover as opposed to the number of units  
11 allowed under a DRI. The governmental body does not enforce those covenants, but Mr. Pires  
12 did not know if the Master Association documents tied that into the DRI units.

13 Mr. Lee then advised that he went back to some files he has, and on July 20 of 2017 there was a  
14 fourth amendment to the Declaration of Covenants Conditions and Restrictions of Lely Resort.  
15 They took off the hotel property and moved it from the corner of the Signature Club up to  
16 where the hotel is today. Mr. Lee read from portions of this document (Inaudible) and will  
17 provide a copy of it to Mr. Pires.

18 After further discussion, Mr. Drum noted that they don't know all the numbers, and wondered  
19 if Stock would delay turning over the Master Association based on some phantom units  
20 created 20 years ago. Mr. Pires noted that Stock's position is as long as they own one piece of  
21 property, under the covenants they can hold off turning over control. The statute changed,  
22 and prior to May of 1996 the statute was different than it is today.

23 Mr. Drum expressed concern that the homeowners had to pay the assessment levied by the  
24 Master, and Mr. Drum noted that it is not a CDD issue per se, because the District is not  
25 involved in the conveyance, although he appreciated the concern.

26

27 **B. Chubb Classic Tournament**

28 The people putting on this tournament have agreed to the changes to the contract, and Mr.  
29 Carter will make sure the contract is updated.

30

31 **FINANCIALS**

32 The financials to the end of November showed \$3,800,000 in cash, half of which was in  
33 reserves. There was an additional \$10,000,000 in fixed assets, including the drainage facilities  
34 and street lights, vehicles and the Freedom Horses, against \$65,000 in payables.  
35 \$738,000 in assessments was paid during the month of November, and twice that amount  
36 could have been booked during the month of December.

37 Almost \$4,100 in interest income was earned for the month, due to changing banks.

38

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5 The first quarter CSA payment was received during the month of December in the amount of  
6 \$292,000. Those will be reflected next month.

7 The bank charges noted were for the costs to close the line of credit.

8 A few minor amounts over budget were noted under landscaping, due primarily to the seasonal  
9 nature of this line item where many of the items are front loaded.

10 During the first two months of the fiscal year, however, the District was \$48,000 under budget  
11 in terms of total operating expenses.

12 Mr. Drum asked about the line of credit, and Mr. Dorrill indicated that they won't make the  
13 decision as to whether to use that until the fourth quarter of the year. They did budget under  
14 the assumption that one of the two capital projects would use it. Mr. Drum asked if it would  
15 make sense to pledge some of the cash on hand against a potential loan, and Mr. Pires  
16 indicated that what would be pledged would be the assessments to be collected, and not the  
17 cash on hand. Mr. Dorrill added that they have a fairly low rate on the line of credit because of  
18 another concession they made. The line required that it be paid off at the end of two or three  
19 years. The Board asked Mr. Dorrill to go back and ask them for an additional year, which they  
20 agreed to.

21 Mr. Lee added that they have the lighting project and the landscaping, which will come in at a  
22 total of \$700,000. (Inaudible question.)

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

25

26 **SUPERVISORS' REQUESTS**

27 A . Signature Club Tax Bills

28 Dr. Bularzik advised that she had received an email from a resident who has a relative who lives  
29 at the Signature Club, and Mr. Dorrill noted that he had misspoken the previous month when  
30 he referred to it as the Players Club. Mr. Dorrill has received several phone calls on this. Taxes  
31 have been due for the past three years at the Signature Club as they would CO phases. For  
32 those people who bought in the last three years, those taxes were inadvertently paid by Stock.  
33 Mr. Dorrill explained that when the original parcel was conceived, it is not until the  
34 condominium is recorded by phase that a change in value or ownership is triggered as units are  
35 sold. Stock paid those taxes for the past three years inadvertently, as though it was part of that  
36 parcel.

37 It was mistakenly left off the tax bill for this year, or was applied to the bigger parcel that is the  
38 Players Club. When it was determined this year that Stock had paid \$70,000 worth of taxes,

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5 they realized that the tax roll was incorrect. They worked with Mrs. Carlson, who sent  
6 individual bills to those people who now own their property. It was only that portion that was  
7 part of the non ad valorem assessment. 85 percent of the people have paid their tax bill, and  
8 this is being tracked by staff on a monthly basis.

9

10 **B. Second Letter from Tax Payer**

11 Dr. Bularzik received a second letter signed from A Taxpayer, and the stamped envelope was  
12 not postmarked. This letter is the same as the first one that Dr. Bularzik received, and it was  
13 turned over to Mr. Dorrill.

14

15 **C. Parking Lot Extension**

16 Mr. Cole advised Mr. Carter that they are just finishing up the site development plan and are re-  
17 submitting it to the County this week. A landscaping plan had to be submitted, and in response  
18 to Mr. Lee's question about the Streetscape landscaping plan, Mr. Carter indicated that Mrs.  
19 Goetz and O'Donnell Landscape resubmitted that plan about ten days ago, and they expect to  
20 hear from the County very soon on this.

21

22 **D. Green Links**

23 Mr. Campkin was asked about the horses outside the Green Links, and he wondered if anyone  
24 on the Board knew how they got there, and Mr. Lee felt that they were probably put there by  
25 Mr. Boff as he built Green Links and runs it.

26

27 **E. Land on 41**

28 Mr. Campkin provided copies of the information he had received from the County to the Board,  
29 And Mr. Lee advised that a portion of it will have 66 villas built on it, and east of that portion is  
30 supposed to have 207 units going in.

31

32 **F. Holes in Roadway**

33 Mr. Campkin noted that there were several large holes in the road going down to the Horse  
34 Monument. Staff will make sure this is addressed.

35

36 **G. Land Transfer**

37 Mr. Pires advised that these are lake tracts, either Master's Reserve or Prestwood Place. The  
38 District owns these lakes, and as Mr. Pires explained at the previous meeting, someone can

5 sign a document conveying property to another party and record it in the public records of the  
6 County. The property appraiser will send a tax bill to the party it was deeded to, who in reality  
7 never purchased or signed for it. In Florida merely recording a deed in favor of someone else  
8 does not mean that new person is the owner. There must be acceptance either by formal  
9 action or actions such as maintaining the property.

10 If this tract has been maintained by the District for 12 years, Mr. Pires noted that the District is  
11 better off owning the lake tracts as they have better control over what can or cannot happen  
12 on there from the standpoint of trespass.

13 From the standpoint of any permitting issue, if the District is already the operating entity of a  
14 water management feature, whether it has an easement or it's fee simple, they are the  
15 operating entity and responsible to keep it up.

16 Mr. Dorrill added that they went through a period of time where if Stock was going to develop a  
17 new community and file a plat and subdivide individual lots, those plats were submitted to the  
18 District's engineer ahead of time to review to insure that they were consistent with the  
19 District's obligation to maintain the drainage and water management system. If it was within  
20 the District's boundary, that process was followed. The CSA is another matter, and those lots  
21 were primarily owned by the Master Association.

22 Mr. Dorrill reminded the Board that late the previous year they had received a list of other  
23 parcels that the Lely Development Corporation wanted to convey to the District, and the Board  
24 went through the list and discussed the parcels and determined which ones they would take.  
25 In this case Mr. Dorrill felt that there was no harm, as it may have been consistent with their  
26 practice at the time.

27

28 **PUBLIC COMMENTS**

29 **\*\*\*Tape ended, on new tape Mr. Pires' comments were regarding the PUD amendment for**  
30 **2014/15, which he will look at more fully for the next Board meeting.**

31

32 **ADJOURNMENT**

33 The next meeting will be held on February 19, starting at 1:00 with a workshop on Rules and  
34 Procedure with the regular meeting to follow immediately.

35 **On a MOTION and a second, the meeting was adjourned at 2:51 pm.**