

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

5
6 The regular meeting of the Lely Community Development District Board of Supervisors was held
7 on Wednesday, July 15, 2020 at 1:30 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
15 Kevin Carter, Operations Manager
16 Tony Pires, District Counsel
17 Freddy Bowers, Director of Community Patrol
18 Christopher Dorrill, Field Manager

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 **PUBLIC COMMENT**

25 Mrs. Hess *** asked if the Board was aware that the lake project was not going well. Mr.
26 Carter indicated that the lake bank erosion project is ongoing, and at this point they are a
27 couple of months past the initial finish date. They are presently working on the lake at
28 Prestwick Place, and should be finished with that lake this week. If the slopes are correct, they
29 will then sod the areas where the material was put in, and begin repairing some back yard
30 areas. Mr. Carter added that it will be another four weeks before everything is completed.
31 Mr. Dorrill advised that they are holding about \$50,000 in draw and retainage on that job,
32 which will not be released until everything is completed to the District's satisfaction.
33

34 **ROLL CALL/APPROVAL OF AGENDA**

35 **On a MOTION by Dr. Bularzik and a second by Mr. Drum, Mr. Campkin was authorized to**
36 **participate via speakerphone due to exceptional circumstances.**

37 All other members of the Board were in attendance.

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5 Dr. Bularzik noted that she had received several emails from residents of Ole about the
6 streetscape, and as she had many items to address, she submitted the list of her items to Mr.
7 Lee.

8 Mr. Drum asked about the emails regarding the inspector general, and was advised by Mr. Pires
9 that he and Mr. Dorrill will be addressing that issue in the meeting.

10 Mr. Lee noted that an update on Triangle Boulevard will be given.

11 Mr. Dorrill added item 4F, Field Manager Leave Proposal.

12 **With those additions the Agenda was unanimously approved on a MOTION by Mr. Ousley**
13 **and a second by Mr. Drum.**

14

15 **APPROVAL OF MINUTES OF JUNE 2020 MEETING**

16 As it relates to the June workshop, **the minutes were approved on a MOTION by Mr. Ousley**
17 **and a second by Mr. Drum.**

18 As it relates to the June regular meeting, on Pages 7 and 9, the name listed twice with asterisks
19 was Venie Tuthill.

20 **On a MOTION by Mr. Drum and a second by Dr. Bularzik, the minutes were then unanimously**
21 **approved as corrected.**

22

23 **MANAGER'S REPORT**

24 A. Community Patrol

25 Mr. Dorrill noted that there were no unusual occurrences in the patrol report. There were 23
26 fishing violations, all of whom were non residents. There were eight property damage reports,
27 eight safety and gate related problems, and a warning was issued to a woman who left her dog
28 in the car unattended.

29 There were suspicious individuals noted on the report, as well as traffic assists and EMS standby
30 assists. The Sheriff's summary was also included in the report.

31 Dr. Bularzik asked about a report of a company owner having a gun (inaudible) and Mr. Bowers,
32 advised that he had passed the information along to the Sheriff's Department.

33

34 B. Horse Fountain Proposal

35 A water line at the Freedom Horse monument broke on the opposite side of the road, between
36 the sidewalk and the lake. Mr. Dorrill wanted to advise the Board that he had authorized the
37 repair, which was estimated would cost \$8,500.

38

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5 C. CDD Entry Signage Update

6 The area that was being looked at for a small identification sign to the operations facility is a
7 private road owned by the Master Association. Both the District and the County have an access
8 easement over the road for the purpose of getting to the master sewage pump station and the
9 CDD facilities as well.

10 Mr. Cole, the engineer, is aware of the preferred location, and they are moving forward to get
11 an estimate for the signage, but they may need an easement that allows the sign to be
12 installed.

13 As it relates to the two political signs in that same area, it was Mr. Dorrill’s understanding that
14 permission of the owner must be obtained to put up a political sign. Mr. Drum reported that
15 apparently one of the candidates had spoken to Mr. Stock about putting up some of his signs,
16 and was given permission for that. The particular area under discussion is apparently one of
17 the strips that no one claims, and Mr. Stock, through the Master HOA, allowed the sign to be
18 placed there. A second candidate was then given permission to put up a sign as well.

19 Dr. Bularzik suggested that it would be appropriate to advise the public when this permission is
20 given.

21 Mr. Pires added that a letter of authorization from the owner is the only thing needed to put up
22 a sign on private property.

23

24 D. CDD Parking Lot Expansion

25 This project is at substantial completion, and the Board members agreed that it looked very
26 good. Mr. Pires will bring a resolution for the towing policy to the next Board meeting.

27

28 E. Irrigation Quality Water Amendment/Renewal

29 This is the first amendment to the existing agreement with the County that enables the District
30 to purchase irrigation water, and goes into effect on October first. The renewal has been
31 reviewed, and there is one issue. The current agreement requires the County to deliver
32 approximately three-quarters of a million gallons a day. Because the County now has additional
33 capacity, or at times during the year they don’t sell all the water they have, the new agreement
34 would allow the County to provide 2.4 million gallons a day, which is substantially more than
35 the District can accept.

36 Mr. Carter and Mr. Cole are now working on an evaluation to determine what the appropriate
37 amount would be when the District needs to purchase extra water during the dry season. Mr.
38 Dorrill anticipates that it will be half of what they maximum could be. The County’s amount

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5 would have substantial financial implications for the District, which does not need to be
6 spending money in the summer on water that they don't need. That information will be
7 supplied to the County in writing.

8 Mr. Dorrill does recommend approval of the agreement today, however, so the agreement can
9 be put in the hands of the County before the effective date of October first.

10 In response to Mr. Lee's question, Mr. Dorrill advised that the CDD's irrigation system consists
11 of three sources; surface water that is pumped into the irrigation lake, well water that helps
12 supplement the lake, and the daily amount that is purchased from the County. Two million
13 gallons is the total for everything including the golf courses, which are used in the County's
14 calculations.

15 Mr. Drum then asked what the condition Lake 17 currently is, and if it would support the extra
16 water. Mr. Dorrill noted that the lake has not been checked in probably two years. He
17 explained the clay slurry and pebbles on the side slopes that was originally done to hold the
18 water. The slurry is now gone, and Mr. Dorrill suggested that it may be time to take another
19 look at it.

20 The Board members discussed the option of purchasing this extra water, and Mr. Dorrill will
21 work with the engineer to determine how much of the clay is still in the lake, and will also have
22 him determine the cost of an appropriately sized above ground concrete storage tank, as
23 redoing a liner in the lake would be extremely expensive as well.

24 **On a MOTION by Mr. Drum and a second by Mr. Ousley, the Board then unanimously**
25 **authorized the Chairman to execute the renewal of the five year agreement with the County.**

26 Mr. Pires clarified that the language in the cross connection issue has not changed as it related
27 to checking all the connections, and wondered if the County had eliminated that or determined
28 that Lely had completed those requirements. Mr. Dorrill noted that the cross connection work
29 was well underway and they will be making a submittal on it soon. Mr. Pires suggested that Mr.
30 Eick be asked if they would delete that paragraph in the agreement, or to modify it to bring it
31 current. This will be done.

32

33 **F. Field Manager's Leave Benefits**

34 Mr. Dorrill provided the Board members with a short memorandum in recognition of Mr.
35 Carter's fourth year anniversary with Lely. He suggested that they extend to Mr. Carter the
36 same leave related benefits that are enjoyed by other District employees, which is two weeks of
37 annual leave which is tied to tenure. Presently Mr. Carter has no leave time.

38 The associated cost for that would be \$1,464 a month if all the leave was utilized, and Mr.

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5 Dorrill explained that as part of his own contract, Mr. Carter functions as a contract employee,
6 so if he is not at work he does not get paid. Mr. Dorrill asked that these benefits be extended
7 to Mr. Carter retroactive to his anniversary date.

8 **On a MOTION by Drum and a second by Mr. Ousley, the Board unanimously agreed to extend**
9 **the leave benefit to Mr. Carter.**

10

11 G. Public Records Request

12 Mr. Dorrill had not seen the email in question, but apparently it is a lengthy public records
13 request that was initially sent to Mr. Carter, who then forwarded it to Mr. Dorrill. Documents
14 are not required to be provided electronically, unless it is convenient for him to do so. Mr.
15 Dorrill is not required to indicate what does or does not exist, but is required to make the
16 records available for inspection if they do exist.

17 While up to this point they have not charged for their time in getting records together, Mr.
18 Pires has noted that they are entitled to charge a reasonable cost for this.

19 Mr. Pires asked that this item not be discussed any further, other than to say that Mr. Dorrill is
20 the records custodian, and by statute has to promptly acknowledge receipt of a request, which
21 he will do. Mr. Pires reiterated that no document has to be provided that does not exist, and
22 no questions have to be answered by the records custodian.

23 Whether or not a document is a public record is a matter of law. For example, as a private
24 outside vendor contractor to the District, Mr. Pires' records are not public under Chapter 119 of
25 the Public Records Law. There is also case law that says. "We know of no law that requires a
26 governmental entity to provide public records to a generic email address, at least not until such
27 time as it is made clear that the address belongs to a person".

28 Mr. Pires added that he and Mr. Dorrill will handle this request, and he reminded the Board
29 that if ever they receive a records request, it should immediately be forwarded to Mr. Dorrill.
30 Additionally, to the extent that a public records request requires extensive clerical and
31 supervisory time, the District can charge for those costs. Anything over an hour is deemed to
32 be an extraordinary use of time. A deposit may be required under certain circumstances, and
33 Mr. Pires will check on that as well.

34 Mr. Drum asked what the reference to an inspector general was all about in the email, and Mr.
35 Pires indicated that they are required to look at a request and determine what is within their
36 scope to provide, and nothing else. No inquiries as to motive can be made. Mr. Drum has not
37 read the entire request yet, and Mr. Dorrill and he will discuss this and report to the Board at
38 the next meeting.

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5 **ATTORNEY'S REPORT**

6 **A. Executive Orders**

7 The Governor has issued a number of executive orders due to Covid 19, and the one relating to
8 governmental meetings being allowed to occur remotely has been extended. EO20-166 that
9 was recently signed by the Governor has caused some confusion as to whether the remote
10 meeting order has been extended to August first or September 5th. If it at some point does
11 apply to the Pelican Marsh Board, Mr. Pires will get the clarification for them.

12

13 **B. Legislative Amendment**

14 Changes have been made by the Legislature as to what is required to be on the District website,
15 and from July first forward the audit report will no longer have to be posted, but only a link to
16 the auditor general, who the District has filed their audit with. The seven day before a meeting
17 requirement for the agenda, all meeting materials and the minutes of the meeting that had to
18 be posted on the website, has now changed, and only the agenda will need to be posted re ADA
19 guidelines. The company that maintains the website monitors it and makes sure that it stays
20 within those ADA guidelines.

21

22 **C. Monitoring Reports**

23 Mr. Pires received the monitoring reports for Lely Resort which contains the data he needs to
24 make a report for the Board regarding what units were built and when,, and what the
25 commitments are that have or have not been completed. He will provide this information at
26 the next Board meeting along with his analysis.

27

28

29 **FINANCIALS**

30 The eight month financials was provided to the Board, and the balance sheet showed that total
31 cash on hand at the end of eight months was \$4,335,000. Construction in progress has to do
32 with the value of the parking lot expansion that was underway at that time. Total current
33 assets stood at \$4,405,000. In addition, the fixed assets, which include the Freedom Horses,
34 associated infrastructure and land is appraised at almost \$10,000,000. Total assets of the
35 District stood at \$14,000,000.

36 The income statement year-to-date showed \$11,000 that came in for non ad valorem
37 assessments, attributable to delinquent assessments that were paid with penalties. The
38 assessments at that point were 2.6 million dollars, 96 percent of the forecast total for the year.

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5 During the month of May the quarterly CSA payment was received, and due to the final build
6 out of Lakoya, these payments were roughly \$10,000 over what was forecast. The Master HOA
7 is current with their payments at \$805,166 thus far this year, which is the District’s second
8 largest source of revenue.

9 That is pro-rated between Astor and Arlington, and the balance of payments from both the
10 Board of County Commissioners and the School Board have also been received.

11 The only thing that stood out under the cost centers was the total operating expenses year-to-
12 date which was \$75,000 below budget,

13 Almost \$740,000 in capital improvements has been spent this year, from the LED streetlight
14 conversion to lake bank restoration and streetscape restoration. Mr. Carter is doing a great job
15 of keeping costs down as well.

16 In response to Dr. Bularzik’s question, Mr. Dorrill explained that many residents pay their
17 assessments in advance to take advantage of the 4 percent discount. This is budgeted for in
18 anticipation of those early payments.

19 **On a MOTION by Dr. Bularzik and a second by Mr. Drum, the financials were then**
20 **unanimously accepted by the Board.**

21

22 **SUPERVISORS’ REQUESTS**

23 A. Irrigation Cross Check

24 Mr. Carter updated the Board on this project, which is going very well. Well over half has been
25 completed, and Stahlman has been working on the commercial areas.

26

27 B. Street Potholes

28 Dr. Bularzik noted that the two street potholes have been fixed, and she thanked the County for
29 doing that work.

30

31 C. Tomato Plants

32 These plants are now dead and are scheduled for removal.

33

34 D. Letter from Lakoya Association President

35 Dr. Bularzik read Mr. *** email into the record, praising Mr. Carter for getting some work done
36 along Grand Lely Drive that should have been done by the Master Association, but Philippe was
37 told that they didn’t have the money to take care of this. That included removing dead trees,

38

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5 broken landscape lights and damaged plants at the Rattlesnake Hammock entrance. Mr. Carter
6 also attempted to get the Master Association to take care of the entrance at Rattlesnake, which
7 evidenced his dedication to his job. This resident felt that Mr. Carter was a great asset to the
8 community, and deserves the Board’s thanks and appreciation.

9 Mr. Lee then reported that the Master Association has \$621,000 cash on hand which they don’t
10 want to spend, and the District is doing things for them that they shouldn’t be doing, as they do
11 have the money. Mr. Lee indicated that he has a copy of the 2020 budget, which indicated that
12 they money was available.

13

14 (Comments by Dr. Bularzik inaudible)

15

16 E. Work at Celeste Roundabout

17 The Do Not Enter signs have been put around the circle, and when Dr. Bularzik spoke to Mrs.
18 Wiswell, she advised her that three times since the signs have gone up she has seen people
19 start to turn and then stop, and she feels that the striping on that side has been helpful. Dr.
20 Bularzik also spoke to Jan Face-Glassman and she will watch the roundabout, especially when
21 the season comes.

22

23 F. Streetscape Plan

24 Chuck Nelson from Mystic Greens sent a note to Dr. Bularzik praising the landscaping
25 throughout Lely, and he supported the plan.

26 Dr. Bularzik also noted that at the last meeting, Venie was present with the Ole streetscape
27 plan. At that time they were asked to come up with a plan and to make sure that their HOA
28 Boards had signed off on it. Dr. Bularzik has received 11 emails in the past two days from Ole
29 residents who were looking for 37 additional flowering trees and six Royal Palms, along with
30 four benches.

31 At last month’s meeting Venie was advised that benches were not part of the streetscape, and
32 none of the people Dr. Bularzik received notes from were from the Ole Board, who have not yet
33 weighed in on the requested plan.

34 Mr. Lee suggested that the cost would have to be at least partially carried by Ole, and benches
35 can only go on someone’s property. Mr. Ousley suggested that Venie be advised that the five
36 HOA presidents in Ole need to get together and determine what the final plan for the
37 community will be.

38 Mr. Drum noted that he was not sure what it was that Ole was looking for as far as a plan for

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5 landscaping for the community was concerned. He noted that a consultant had been hired to
6 plan the work, but none of the HOA officers at Ole had agreed to Venie’s plan.

7 Kate Target *** then addressed the Board, and indicated that her HOA, as well as that of Chase

8 Preserve, agree with Venie’s plan and she will check to make sure those letters get to the

9 Board. However, in looking at them, she does not feel that all five neighborhoods are on the

10 same page, and she agreed that the five HOA presidents needed to meet and come to an

11 agreement on what they are asking for. She indicated that Venie is on their Board and was

12 designated to bring this matter to the CDD Board.

13 (Inaudible comments)

14 Apparently the Ole community was unaware that the Queen Palms would be coming down, and

15 they were very upset when they were removed. Queen Palms are not native and come down

16 very easily in a hurricane, so they will not be replaced. Additionally, they are prone to a fungal

17 disease which will eventually kill them.

18 It was agreed that the five HOA groups will get together and come up with a plan, and the focus

19 should be on clustering flowering and green trees as opposed to a line of trees.

20 Mr. Dorrill noted that public meetings were advertized and held before the landscaping was

21 agreed upon, and the power point presentation showing what will be done is still available,

22 which can be provided to those who have not seen it. Mr. Lee added that the presentation

23 was also shown to all the HOA presidents at a special meeting.

24

25 G. Algae in Lakes

26 The lake algae is particularly bad, and Mr. Carter indicated that there has been very bad heat

27 and no rain, which is part of the decomposition process in getting rid of the algae. Once the

28 rain comes it will help, but they are spraying the lakes monthly and in some cases more than

29 once where it is needed.

30

31 H. Triangle Boulevard Work

32 Mr. Lee advised that on July 9 he had spoken with Mr. Cleary, the transportation engineer who

33 is working on Triangle Boulevard, and who advised him that they have been working on the

34 project and they are putting it out to bid, which they hope to have by the end of the year.

35 He added that the County Commission did not like to do any major work during the season, and

36 will probably schedule the work for sometime in April or May of 2021.

37

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5 Mr. Dorrill then noted that he inadvertently left the checks for the Board members at the office,
6 and he will get them to the Board later today or tomorrow.

7

8 **ADJOURNMENT**

9 There were no public comments received, and those present were reminded that August 19 will
10 be the next meeting date and the public hearing to take action on the formal adoption of the
11 2021 Budget will be held at that time as well, so three of the members should be physically
12 present at the meeting. A workshop on the Sunshine law will be held in September.

13 **On a MOTION by Mr. Ousley and a second by Mr. Drum, the meeting was then adjourned at**
14 **2:50 p.m.**