

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **Regular Meeting of the Board of Supervisors**
4 **February 17, 2021**

5 The regular meeting of the Lely Community Development District Board of Directors
6 was held on Wednesday, February 17, 2021 at 1:30 p.m. at the LCDD Maintenance
7 Building, Naples, Florida.

8 **SUPERVISORS PRESENT**

- 9 William Lee, Chairman
10 Anne Marie Bularzik, Vice Chairman
11 Kenneth Drum, Supervisor
12 Gerry Campkin, Supervisor (Via Speakerphone)

13 **ALSO PRESENT**

- 14 Neil Dorrill, Manager, Dorrill Management Group
15 Kevin Carter, Operations Manager
16 Tony Pires, District Counsel
17 Freddie Bowers, Director of Community Patrol
18 Christopher Dorrill, Field Manager

19 **INVOCATION/PLEDGE OF ALLEGIANCE**

20 Mr. Dorrill offered an invocation, and offered a prayer for Harold Ousley, a long time
21 Board member who recently passed away.

22 The Pledge of Allegiance was recited in unison.

23 **PUBLIC COMMENT**

24 No public comment was received at this time.

1 **ROLL CALL/APPROVAL OF AGENDA**

2 **On a MOTION by Dr. Bularzik and a second by Mr. Drum, the Board unanimously**
3 **approved Mr. Campkin’s participation via speakerphone due to extraordinary**
4 **circumstances.** Three Board Members were in attendance.

5 With the additions of items 5F, Landscape Action Items; 9:1, Recognizing Passing of
6 Mr. Ousley; 9-2, Replacement on Board; 9-3, Master Turnover Update; 9-4, Traffic
7 Intersections Update; 9-5, Speeding on Lely Resort Blvd; 9-6, Entrance Sign and 9-7,
8 Membership Ethics, **on a MOTION by Mr. Drum and a second by Dr. Bularzik, the**
9 **agenda was unanimously approved as amended.**

10 **APPROVAL OF JANUARY 2021 MINUTES**

11 On Page 4, Line 1, the word “ruse” should be “rude.”

12 On Page 6, Line 5, the word “polled” should be “poll.”

13 **On a MOTION by Dr. Bularzik and a second by Mr. Drum, the minutes were**
14 **unanimously approved as amended.**

15 **MANAGER’S REPORT**

16 **A. Community Patrol**

17 There was a total of 71 incidents in the community, with 26 trespassing situations, 21 of
18 them being non-residents. There were 12 loitering or parking related complaints, one
19 involving an individual who was either sleeping or passed out on the car at Ole but was
20 found to be a subcontractor. There were an additional seven suspicious instances, three
21 of them involving law enforcement.

22 There was also a theft where a car was left unlocked, 11 emergency standby assists
23 and several traffic citations and warnings.

24 Dr. Bularzik asked what was going on at Lely High School, and Mr. Bowers indicated
25 that they did have a problem with speeding, which is being taken care of, along with
26 some drug arrests at the high school.

27 **B. Update on Canopy Tree Pruning on Celeste Blvd.**

28 The project has been completed.

1 **C. Update on Lakoya Basin Control Elevations**

2 The project is ongoing, and work is being done to make sure that the control elevations
3 for the conveyance pipes in any structures in the west central portion of the community
4 were built in accordance with the original accepted plans. Mr. Dorrill will provide that
5 report to the Board once it is received from Mr. Cole.

6 **D. Update on Lake Bank Erosion Repair**

7 The planned lake bank projects with their probable costs were provided to the Board,
8 and that amount came to \$137,800. A list of the target lakes was provided, all of which
9 were in the southeast corner of the Community, Mustang Island, and the Majors. The
10 work will be done using Geotubes and is contemplated to be started in the late Spring
11 when the water levels are at their lowest. This work will go out to bid sometime in March
12 or April.

13 Mr. Carter indicated that this amount does not include the engineer's costs, which is
14 around \$15,000.

15 **E. Bank Signature Card Updates**

16 Mr. Dorrill asked for the Board's authorization to add Mr. Lee to the Bank signature
17 cards, as the District's fiscal policy requires two signatures on any disbursement of
18 funds over \$2,500. **On a MOTION by Dr. Bularzik and a second by Mr. Drum, the**
19 **Board unanimously authorized Mr. Lee to be the second signer on the bank**
20 **signature cards.**

21 As it relates to the appointment of a new treasurer, Mr. Pires indicated that the Board
22 has great latitude on how to handle this, as there is no set, formal process. It can be
23 handled with a mailout asking if anyone were interested, or individual Board members
24 could ask residents if they would be interested in serving on the Board. Mr. Pires
25 suggested that they should have a replacement for Mr. Ousley's seat anywhere between
26 60 to 90 days if possible.

27 **ATTORNEY'S REPORT**

28 Mr. Pires advised the Board that he had a conversation with Mr. Anderson of the Ethics
29 Commission, and he indicated that there is no clear answer on this question. Mr. Pires'
30 concern is that the District has the CSA Agreement, which the Master Association is a
31 part of. There is also the settlement agreement from the litigation between Lely and the

1 Master Association with regard to the CSA, and with both items there could be a dispute
2 between the Master and the District.

3

4 The Ethics Statute is clear that it is a violation to do business with one's own agency
5 and it is also a violation to have conflicting employment and contractual relationships.
6 There are other areas that may apply as well, such as a prohibition between disclosure
7 or use of certain information and misuse of public position.

8

9 Mr. Anderson noted that if the Board wanted an opinion on this, that they authorize a
10 formal request on this issue. That request can only come from the Board, and Mr. Pires
11 would then craft a request to the Ethics Commission regarding the question of a
12 member of the HOA Board sitting on the CDD Board as well without breaking any
13 prohibitions of the Ethics Code, as District Counsel has advised that he is not
14 comfortable with a finding that would be appropriate.

15

16 **Dr. Bularzik then made a MOTION that the Board would not support a LCDD**
17 **Supervisor also sitting on the Board of the Master Association.**

18

19 The Motion failed for lack a second, and after further discussion, the Board agreed that
20 Mr. Pires would draw up a notice and the Board can reject, accept, or modify it at the
21 next meeting. Dr. Bularzik reminded the Board that the turnover was taking place on
22 March 15th at 10:00 in the morning.

23 **FINANCIALS**

24 The first quarter financials through the end of December showed a cash position of
25 \$5,100,000, \$2,100,000 of it being in the capital reserve account. Additionally, there is
26 \$10,000,000 in fixed assets. Total assets of the District were \$15,300,000 against
27 \$56,000 in payables.

28

29 The income statement showed that \$930,000 was received during the month of
30 December from the tax collector for non-ad valorem taxes. That is net of fees, and the
31 total year-to-date amount is \$1,981,000. That represents about 80% of the total annual
32 revenues. This is a little less than what was originally forecasted, but Mr. Dorrill felt that
33 next month's financials may explain this, as some of the taxes may have been paid late
34 in the month and were not posted until the following month. Additionally, the first quarter
35 CSA payment was received and is reflected on the revenue side.

36

1 On the expense side, Mr. Dorrill asked about the year-to-date repairs under building
2 maintenance, as this line item was over budget by about \$3,700. Mr. Carter explained
3 that they had replaced the lights outside with LED lights where the photocells went bad,
4 and while the electrician was there, they had him change the interior lights to LED lights
5 as well.

6
7 Mr. Dorrill also pointed out that the flower program is over budget year-to-date, and he
8 wondered if some miscellaneous landscape costs had been miscoded. Mr. Carter
9 agreed, and Mr. Carter will follow up with the bookkeeper on that, as well as the \$8,400
10 that was expensed against capital outlay, which had a zero budget.

11
12 As it relates to the overtime and Worker's Comp expenses, Dr. Bularzik asked if those
13 costs were due to the employees who had COVID, and Mr. Dorrill advised that it was
14 not, but the Worker's Comp premiums are due in advance and are paid twice a year.
15 That number will balance itself out over the ensuing months. Mr. Carter advised that
16 some of the overtime was due to Juan being ill, but the rest of it was due to out of the
17 ordinary occurrences that required extra work on the part of the employees, such as
18 snail clogged irrigation lines at Lakoya.

19
20 All the staff who had COVID have recovered and are back to work.

21
22 **On a MOTION by Mr. Ousley and a second by Dr. Bularzik, the financials were**
23 **then unanimously accepted by the Board.**

24 **SUPERVISORS' REQUESTS**

25 **Items 1 and 2 were previously addressed.**

26 **3. Master Turnover**

27 The turnover is still scheduled for March 15th, and the second packet mailing will go out
28 shortly. Dr. Bularzik urged the community HOA presidents to get their residents out to
29 vote for up to three individuals only. 1,586 votes, or 30% are required in order not to
30 have a subsequent meeting and a second, costly mailing to the Lely residents. The
31 intention is to later increase the Board to seven people.

32 **4. Traffic Committee Update**

33 There have been a group of people working with the County Traffic Committee to
34 improve safety at Lely Resort. Dr. Bularzik noted the re-routing of cars at the Horse

1 monument, the four way stop that has helped people go in the right direction and stop
2 the speeding at ***(un-audible), and the roundabout on Celeste has had chevrons
3 added to indicate direction, have been some of the improvements. Presently they are
4 working on the area of Musting Island Estates where the speeding is very bad.

5 They are working with the County in an effort to get a four way stop at this intersection,
6 but even with a death and other serious accidents, they have not met the threshold for
7 all way stop signs. The County has agreed to put up flashing speed devices that tells
8 the driver what their speed is, and they also provide speed data and car counts per
9 hour. These devices will be installed by the third week of March, and the Traffic
10 Committee will meet again in April.

11 Mr. Drum expressed his concern about this area and the configuration at the entrance
12 from the north side, where the turning lane at Mustang Island is not adequate for the
13 traffic flow.

14 The backup causes line-of-sight issues for pedestrians, bicycle riders and other traffic.
15 Trucks trying to turn left cause additional problem. Other drivers coming in from other
16 directions add to the confusion, which is even more confusing for part time residents.

17 Dr. Bularzik added that the County Traffic Committee is going to provide a diagram to
18 the local Traffic Committee on what it would look like if they channeled that intersection,
19 digging out further both ways for more space, but it is a very expensive proposition.

20 **5. Entrance Sign**

21 This item was previously discussed, but Dr. Bularzik provided a copy of the letter from
22 the president of the Majors to Christopher Dorrill to respond to.

23 **6. Moment of Silence for Mr. Ousley**

24 The Board then had a moment of silence in memory and appreciation of Mr. Ousley and
25 his work for the District.

26 **MISCELLANEOUS**

27 A number of residents have suggested that a recognition sign be created for Mr.
28 Ousley, who served on the Board for many years. Mr. Drum spoke to the Board about
29 Mr. Ousley's past, his service in the military, and his dedication to Lely. It was
30 suggested that a memorial plaque be put near the flagpole and/or the Freedom Horses,

1 which were both projects of Mr. Ousley's. Mr. Dorrill will keep the Board updated on
2 decisions that are made on this.

3 **ADDITIONAL UPDATE ON TRAFFIC COMMITTEE**

4 Dr. Bularzik advised that a woman was present at this committee meeting who was
5 working with a group of bicyclists. This group is developing a plan to put in a bicycle
6 path that would go from Livingston, down Santa Barbara, and if possible, Grand Lely
7 Blvd. The Traffic Committee did not think that this would be the best idea for a bike
8 path, and apparently the group will be taking it to the Collier County Commission for
9 approval at some point. This item will be readdressed if necessary, and Mr. Pires
10 suggested that a Board member should discuss this this Commissioner LoCastro.

11 **ADJOURNMENT**

12 The next meeting is scheduled for March 17th, and Mr. Dorrill will be participating via
13 speakerphone as he will be out of town. This meeting will also have a workshop before
14 the regular meeting on Public Safety at 1:00 p.m.

15 **On a MOTION by Dr. Bularzik and a second by Mr. Drum, the meeting was**
16 **adjourned at 2:40 p.m.**