

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

5   The regular meeting of the Lely Community Development District Board of Supervisors  
6   was held on Wednesday, November 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 Chair

11  Kenneth Drum, Supervisor (via Speakerphone)

12  Gerry Campkin, Supervisor

13  Frank LoMonte, Supervisor

14  **ALSO PRESENT**

15  Neil Dorrill, Manager, Dorrill Management Group

16  Kevin Carter, Operations Manager

17  Tony Pires, District Counsel

18  Freddie Bowers, Director of Community Patrol

19  Christopher Dorrill, Field Manager

20  **INVOCATION/PLEDGE OF ALLEGIANCE**

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

22  **PUBLIC COMMENT**

23  No public comment was received at this time.

24  **ROLL CALL/APPROVAL OF AGENDA**

25  Four Board Members were physically present.

26  **On a MOTION by Dr. Bularzik, and a second by Mr. LoMonte, Mr. Drum was**  
27  **authorized to participate via speakerphone due to exceptional circumstances.**

1 As it relates to the Agenda, the following items were added:

2 9A. Public Meeting Notice

3 9B. Thanks to Mr. Bowers

4 9C. Dead Trees at Lely Island

5 9D. Process for Board Term Expirations

6 9E. Flag Lighting

7 9F. LCDD Signage

8 9G. Resident Questions on Lakes

9 **On a MOTION by Mr. Campkin and a second by Dr. Bularzik, the Board**  
10 **unanimously approved the Agenda as amended.**

#### 11 **APPROVAL OF OCTOBER 2021 MINUTES**

12 **On a MOTION by Dr. Bularzik and a second by Mr. Campkin, the Meeting minutes**  
13 **were unanimously approved as submitted.**

#### 14 **MANAGER'S REPORT**

##### 15 **A. Community Patrol**

16 Mr. Dorrill thanks Mr. Bowers for well-done reports and noted that once again it was an  
17 unusual month for Lely. There were a total of 60 incidents as reported by the  
18 Community Patrol, with 17 to 20 no trespassing events, 95 percent of which involved  
19 nonresidents.

20 There were a number of gate assists, standbys, and quite a few suspicious vehicles  
21 and/or incidents. There were also a large number of EMS assists. There was one  
22 abandoned vehicle as a result of an accident, and 40 warnings or citations for speeding.  
23 There were also five different arrests at Lely High School.

##### 24 **B. Year-End Carryforward**

25 This item will be discussed under the Financials Section.

##### 26 **C. Establish Signers for Line of Credit Renewal**

27 The Board previously renewed the Line of Credit, and historically either the Chairman  
28 and/or the Treasurer have had that duty. After a brief discussion, **on a MOTION by Mr.**  
29 **Lee and a second by Dr. Bularzik, the Board unanimously approved both these**  
30 **Board members, Chair and Vice-Chair to serve as signers on the Line of Credit.**

1 **D. Update on Triangle Blvd. Construction Roundabout**

2 Because this is a new feature on the road, as well as a first impression point into the  
3 community, staff felt that a better than average landscaping plan should be done on this  
4 roundabout. The District owns the irrigation system and the landscape assets under a  
5 separate right-of-way permit. Mr. Carter has suggested that the landscape architect be  
6 used to come up with a simple design. This project is on schedule and is approaching  
7 substantial completion.

8 A proposal has been received by the Goetz firm, and the cost is within Mr. Dorrill's  
9 authority to authorize. There were no further thoughts on it, and Mr. Dorrill will move  
10 forward on it. The landscape company they are using is "Hannula," and has an excellent  
11 reputation who stands behind their work.

12 The Board discussed the probable issues; that people will take some getting used to the  
13 way a roundabout works. Dr. Bularzik expected that the Transportation Department will  
14 have to be revisited on some of the traffic issues that will come up.

15 **E. Christmas Bonuses**

16 Mr. Dorrill reminded the Board of the bonus amounts given to key staff and the  
17 employees the previous year, which included the following: \$6,000 to the operations  
18 manager, \$3,500 to the District Manager, and the employees received between \$200  
19 and \$1,000, depending on years of service. Mr. Dorrill met and discussed this with the  
20 Chairman, who has a proposal for the Board to consider.

21 Mr. Lee proposed \$6,500 for Mr. Carter, \$2,000 for Mr. Pires, and \$4,000 for Mr. Dorrill.  
22 The employees would receive between \$500 and \$1,500, as well the safety patrol  
23 officers, and Mr. Bowers would receive \$1,500 individually. Christopher Dorrill would  
24 receive \$600. Mr. Lee advised that the total amount of the bonuses would be covered  
25 by the budget.

26 **On a MOTION by Dr. Bularzik and a second by Mr. LoMonte, the Board**  
27 **unanimously approved the bonus amounts as delineated by Mr. Lee for staff and**  
28 **employees.**

1 **F. Irrigation Mainline Repairs**

2 Mr. Dorrill advised that there were some significant repairs required on the irrigation 16-  
3 inch mainline, and Mr. Carter reported that this break at the overlook was mostly due to  
4 its age. They are in the process of putting in a new line. They are in the permitting  
5 phase now, so they are still using the old line. Mr. Carter hoped that they would begin  
6 the installation of the new mainline by the first of the year.

7 **G. Update on Irrigation Control Upgrades**

8 Mr. Dorrill reported for the record that they had begun to receive equipment for the new  
9 digital controls and frequency drives that will power the variable speed pumps. The first  
10 draw request for \$32,000 was received, and less retainage it totaled \$29,000, which  
11 was previously approved by the Board.

12 Some of the equipment is being assembled off-site, and the District Engineer went by  
13 that site to verify what was being paid for, and also to release liens to be sure that there  
14 would be no claim against the District. The total value of the job is \$286,000.

15 **ATTORNEY'S REPORT**

16 **A. Master HOA/CDD Issues**

17 Mr. Pires provided a copy of the letter he received the previous week from Mr. DeBoest,  
18 counsel for the HOA. The letter purports to respond to Mr. Pires' email request of  
19 October 6th where he suggested that Mr. DeBoest and his client outline in detailed  
20 specificity, as opposed to broad assertions, the exact nature of the purported dispute,  
21 including but not limited to details of the exact nature, extent and location, to include  
22 maps, graphics, permit numbers, and all other recorded instruments of all the common  
23 areas, which does not include the preserves, as well as the lakes and lake bank  
24 easements with Lely Resort which the Master HOA and Mr. DeBoest are asserting are  
25 at issue. Also, current engineer prepared inspection reports of the lakes and lake bank  
26 easements were requested.

27 The letter was received from Mr. DeBoest on November 12, and nothing that Mr. Pires  
28 had requested was provided, but only more generalities were made. Mr. Pires noted  
29 as well that the common area referred to by Mr. DeBoest from the settlement  
30 agreement was a very specific area, and Mr. Pires felt that it was a stretch to pull in  
31 the covenant definition of common areas which is not a part of it. More assertions were  
32 made by Mr. DeBoest regarding common areas, which Mr. Pires disagreed with.

1 As it relates to lakes and lake bank easements, Mr. Pires noted that they must have  
2 those easements transferred to them, as well as the permits. The part in the settlement  
3 agreement about transferring the permits was left out of Mr. DeBoest's letter, and along  
4 with the permit transfer, there must be a certification that the systems were built in  
5 compliance with the plans and specifications. Additionally, under South Florida Water  
6 Management Rules, the current permittees are responsible for compliance with the  
7 permit until the time of transfer. Those issues were completely ignored by HOA  
8 counsel.

9 There were several other sections of this letter that Mr. Pires disagreed with, and he  
10 suggested that Mr. Dorrill and Mr. Lee respond nicely to the letter, and he further  
11 suggested that the parties have a discussion rather than a formal mediation. They can  
12 then determine what the Master HOA is talking about, as without all the requested  
13 documents, a mediation would be futile.

14 The Board members agreed, and Dr. Bularzik noted that the Master HOA meeting  
15 scheduled for the following week had nothing on the agenda regarding these issues.

16 Mr. Dorrill asked if there were any members of the HOA Board who were residents of  
17 the CDD or were the controlling members of the Board from the CSA. Dr. Bularzik  
18 believed that there were representatives from both areas. Mr. Dorrill advised that he  
19 asked this because the CSA took into consideration that the residents of the Lely CDD  
20 had individually and collectively paid about \$60,000,000 on the debt service of the  
21 bonds that it took to build this community. The people who came in on Phase 2, or the  
22 CSA area, escaped all of that debt.

23 All of the lakes that are in question, and all of the permits that were pulled on behalf of  
24 the Master and never conveyed, could in fact have lake bank erosion problems that will  
25 need to be corrected before the District is going to allow them to be transferred.

26 The Water Management District is going to require that the construction permits be  
27 inspected and certified before they agree to transfer them.

28 Mr. Dorrill also advised the Board that at Dr. Bularzik's request he made a Zoom  
29 presentation to the President's Council about three weeks ago and tried to make the  
30 point to them that everyone needed to calm down as it is all the residents' money. The  
31 CDD is a known and trusted entity, and the Master HOA is brand new and is trying to  
32 figure it all out. Mr. Dorrill felt that there is an opportunity for the HOA and the CDD to  
33 talk, and he would be happy to try to initiate that. Mr. Lee expressed his frustration as

1 no one seems to care enough to listen to what is going on and are unaware of all the  
2 aspects of this issue.

3 Mr. Drum asked Mr. Pires if the CSA has the right to assess CSA members who are not  
4 in the LCDD, and not the LCDD members. Secondly, if there were some lake bank  
5 deficiencies in the CSA's areas, would it be possible for the Master to bond just the CSA  
6 members or could they partition it to pay for the lakes that are affected. Mr. Pires noted  
7 that while he was not familiar with all the documents, typically the CSA would have the  
8 ability to assess all the residents to operate and maintain the common areas as defined  
9 in the association documents. They cannot issue bonds, but they could borrow the  
10 money and assess the residents for capital and maintenance costs.

11 Mr. Pires did not know if the areas to be assessed could be partitioned between the  
12 properties that are in the Master Association and located in the District now.

13 Mr. Lee noted that the Master Association is going to start their budget year with over a  
14 half of a million dollars in cash. The engineer's report is the only real expense they will  
15 have right now, and they are also getting an amount from every home sold called the  
16 developers contribution.

17 Dr. Bularzik then named the seven HOA Board members, noting that the split between  
18 the CSA and CDD members was 4/4.

19 Mr. Pires pointed out one other item that needed to be understood, and that is the  
20 HOA's assertion that landscaping the common areas include conservation and preserve  
21 areas. Those two areas are not landscaped.

22 **Dr. Bularzik then MOVED that Mr. Pires send a letter to Mr. DeBoest and the HOA**  
23 **Board requesting that a discussion rather than a formal mediation occur between**  
24 **the members of the LCDD and the Lely Master Association, to include Kevin**  
25 **Carter, Tony Pires, Bill Lee, and Lely Master HOA representatives to come to the**  
26 **table for an informal chat.**

27 Mr. Pires added that if they wished to maintain anonymity, they could classify the  
28 informal meeting as part of the settlement discussions.

29 Mr. Drum asked if this meeting could be held in the shade, or if it had to be public. Mr.  
30 Pires advised that it does not have to be public as no responsibility is being delegated,  
31 and it is just an informal conversation with no audience.

1 **The MOTION was then seconded by Mr. Campkin and unanimously approved by**  
2 **the Board.**

3 **B. Area Behind Mustang Island**

4 In response to a previous question made by Dr. Bularzik, Mr. Pires indicated that this  
5 area, as noted on the plat, is dedicated to the Lely Resort Master Property Owners  
6 Association and is their responsibility.

7 **C. Preserve Areas**

8 Mr. Drum asked about certain preserves that involve wildlife habitats and the Florida  
9 Wildlife Commission. If discussions about the preserves are held, he wondered if there  
10 would be any input from this commission, as there could be a problem with the wildlife  
11 issue.

12 Mr. Lee noted that there are cameras in some of the preserves, and when EarthTech  
13 goes out to these areas, any animals noted become part of their report. The wells are  
14 also monitored in these preserves, and if the levels drop below a certain level, the  
15 District has to stop taking water out of that well. Those reports are provided to the State  
16 and the County, as well as to the District.

17 **FINANCIALS**

18 The preliminary, unaudited year-end financials were provided to the Board, and the  
19 balance sheet showed total cash on hand of \$4,350,000 at the end of September, of  
20 which 2.7 million sits in the capital and cash flow reserve funds. \$62,000 in payables  
21 were noted at that time.

22 The income statement showed \$2,415,000 as having been received in non-ad valorem  
23 assessments at year-end, which was 96.5% of budget, with the difference attributable to  
24 discount taken. All CSA payments for the year were received. Mr. Dorrill noted as well  
25 that he had called the property manager for the HOA to advise him that he had not  
26 made his first quarter CSA payment that was due on October 1<sup>st</sup>, and was advised that  
27 it had been approved, was in process, and should be received this week. Mr. Dorrill will  
28 monitor this payment.

29 The surplus property sales this year were a big bonus, as well as some miscellaneous  
30 revenues that were not budgeted, and the District ended the year at \$60,000 over  
31 budget. Looking at all the cost centers, only access control wages were over budget,  
32 and Mr. Carter was asked to review with Mrs. Briant on this item. Overall, total operating

1 expenses were \$14,000 over budget, but Mr. Dorrill felt that there will be an offset in the  
2 access control section. Total expenses overall were under budget, taking into account  
3 the capital outlay.

4 Total expenses were noted to be \$343,000 under budget, but the irrigation controls  
5 modernization project should be taken out of that amount, as that money will be  
6 encumbered in the new fiscal year. That number will then be about \$60,000 under  
7 budget.

8 Mr. Lee pointed out that they were \$70,000 over budget under irrigation water due to  
9 the County's rate increase in October of this year. In response to a question from Mr.  
10 Lee, Mr. Dorrill advised that the Board had previously approved a budget amendment  
11 from reserves, as the final amount of the irrigation project came in over budget at  
12 \$286,000.

13 **On a MOTION by Mr. Campkin and a second by Mr. LoMonte, the financials were**  
14 **then unanimously accepted by the Board.**

## 15 **SUPERVISORS' REQUESTS**

### 16 **A. Public Meeting Notice**

17 An informational meeting will be held on December 14 at the South Regional Library at  
18 5:30 p.m. regarding the plot of land on Collier Blvd. and Grand Lely Dr.

### 19 **B. Thanks to Mr. Bowers**

20 Dr. Bularzik thanked Mr. Bowers and his team who responded to a residence when a  
21 car being started exploded and was preventing the resident from getting out of his home  
22 as the fire became quite big. A pool company and Stahlman were also close by and  
23 assisted with the fire.

### 24 **C. Dead Trees at Lely Island**

25 Dr. Bularzik asked Mr. Carter if he would contact the president of that association to  
26 determine what their intent is to take care of these trees. Mr. Carter has spoken to them,  
27 and Mr. Dorrill felt that the issue was that the trees were outside of the road right-of-  
28 way, or they may be on the golf course property. Mr. Carter added that there was some  
29 confusion over responsibility on this, and apparently Stahlman will be contacted to  
30 remove them.



1        **D. Supervisors' Terms**

2 Dr. Bularzik asked what the process was to apply to run for her position on the Board  
3 again, and Mr. Lee indicated that she must go to the Elections Office and see Mr.  
4 Carpenter. Once the fee has been paid, and a certain amount of signatures are  
5 obtained, then she will automatically be on the ballot. Mr. Carpenter will have all the  
6 necessary information on the qualifying period.

7        **E. Flag Lighting**

8 The flag has been unlit for a couple of days. An electrician came before the meeting  
9 started and the issue is now fixed.

10       **F. LCDD Signage**

11 Dr. Bularzik thanked Mr. Carter for his efforts with the signage and the plantings around  
12 it, as it looks very nice.

13       **G. Resident Question (Lakes)**

14 Mr. Lee was contacted by the Vernon \*\*\* who contemplated the flower plantings in the  
15 District. He also asked why the lakes were so low in his neighborhood, and Mr. Lee  
16 explained how the system works, and how the dry season effects certain lake levels  
17 within the community.

18       **H. Flower Program**

19 Dr. Bularzik spoke to residents present at the meeting, advising them that Mr. Carter  
20 and his crew planted 20,500 flowers this year in Lely. Mr. Carter noted that his staff  
21 does a great job. Mr. Lee added that they way the soil is used on these plantings  
22 contributes to their healthy appearance.

23       **ADJOURNMENT**

24 The next meeting will be on December 15. Mr. Lee asked at this point the bonuses be  
25 paid to staff and employees before the next pay period so that they would have it for  
26 Christmas. **On a MOTION and a second, the meeting was adjourned at 2:37 p.m.**