

1                   **LELY COMMUNITY DEVELOPMENT DISTRICT**  
2                                   **NAPLES, FLORIDA**  
3                   **Workshop Meeting of the Board of Directors**  
4                                   **February 16, 2022**

5  
6    A workshop of the of Lely Community Development District Board of Directors  
7    was held on Wednesday, February 16, 2022 at 1:00 p.m. at the LCDD  
8    Maintenance Building, Naples, Florida.

9  
10   **SUPERVISORS PRESENT**

- 11   Anne Marie Bularzik, Chair
- 12   Frank LoMonte, Vice Chair
- 13   William Lee, Treasurer, HOA Liaison
- 14   Kenneth Drum, Supervisor
- 15   Gerry Campkin, Supervisor

16   **ALSO PRESENT**

- 17   Neil Dorrill, Manager, Dorrill Management Group (via Speakerphone)
- 18   Kevin Carter, Operations Manager
- 19   Tony Pires, District Counsel
- 20   Freddy Bowers, Director of Community Patrol
- 21   Christopher Dorrill, Field Manager
- 22   Kevin Dowdy, Hole Montes

23  
24   **WORKSHOP - LAKE BANK RESTORATION**

25   Mr. Pires briefly spoke to the Board about two areas that he was asked to  
26   prepare a license agreement for with the Master HOA. They will be for a grassed  
27   area in the median, and the other for an enhanced wetlands reserve easement  
28   area behind Masters Reserve. This allows the District to go in and maintain  
29   these areas, as without the agreement the District cannot expend public funds to  
30   do so.

31   Mr. Pires provided handouts to the Board members which included a depiction of  
32   these areas, highlighted to show their exact locations. The dedication section on  
33   the plat was also included which showed that it was dedicated to the Lely Master  
34   HOA, and indicated that it was the Master's responsibility.

1 The purpose of the draft agreement would be for the District to maintain these  
2 two areas, and at the regular meeting a discussion will be held regarding  
3 compensation. Mr. Pires also noted that the acceptance for the maintenance of  
4 those two areas would not begin until the District receives verification that they  
5 were in compliance with the South Florida Water Management permit.

6 As it relates to Mr. Drum’s question regarding the District’s responsibility for the  
7 lakes in the District, he was advised that there were approximately 80 lakes, and  
8 the District was responsible for a little less than half of them. Mr. Drum  
9 expressed concern over the age of the lakes and the possible disagreements  
10 that could arise over what constitutes lake bank erosion. He felt that a policy  
11 should be in place as to what exactly the Board agrees are the parameters of  
12 lake bank erosion that they will fix. Mr. Lee felt that the agreed upon depth was  
13 nine inches.

14 Mr. Pires noted that as it relates to wetlands, there are criteria and specifications  
15 in the South Florida Water Management District permit as to how those areas  
16 need to be maintained. Dead vegetation cannot be removed, among other  
17 things, and the specification are clearly identified in the permit.

18 As it relates to lake bank erosion, Mr. Pires agreed that the Florida Water  
19 Management’s permit criteria and obligations, should be written down in the  
20 agreement.

21 As it relates to a resident or association that may not want the Geotubes, which  
22 is the mechanism to prevent erosion presently used by the District, they could  
23 possibly be allowed to upgrade to something more expensive if they would pay  
24 the difference, if the Board wished to allow that. It was agreed that Mr. Cole  
25 should look at this and bring some information to the Board regarding the criteria.

26 Mr. Pires also pointed out that there has been a lawsuit regarding possible  
27 liability if the lake bank drop-offs are greater than allowed by the permit.

28 Mr. Drum then asked if the responsibility for operation and maintenance of the  
29 lakes could possibly include capital improvements if someone wishes something  
30 else besides a lake bank. In other words, where would the District’s  
31 responsibility end. Mr. Pires advised that they would have to maintain the facility  
32 in accordance with the permit specifications, which would involve keeping the  
33 pipes unclogged and keeping the lake banks in the condition required by the  
34 permit, which could be construed as a capital expenditure.

1 Mr. Dorrill indicated that he has taken the position that under the CSA  
2 Agreement, the CSA deals with maintenance and operational issues and not  
3 capital improvements. For that reason, the District has not budgeted for every  
4 capital expenditure in the CSA area, and this discussion came up recently with  
5 the Master HOA regarding some dead palm trees at Sussex Place. Mr. Dorrill's  
6 position at that time was that would be a capital expenditure, and the current  
7 CSA agreement does not require the District to make those, nor has it ever been.

8 Dr. Bularzik asked Mr. Pires for an explanation of the item on Page two of the  
9 handout regarding the requirement for two complete sets of accurate, as built  
10 drawings. She was advised that this particular requirement was from a template  
11 that Mr. Pires used to draw up this draft agreement, and there may not be as built  
12 drawings, but possibly there could be requirements for a ground survey or  
13 monitoring of the vegetation, as well as any other environmental reports.

14 Mr. Dorrill asked if South Florida Water Management had a conservation  
15 easement over Masters Reserve, or if it was more of a land use issue. Mr. Pires  
16 indicated that it was the plat. The Water Management District permit obligated  
17 the developer to create the preserve areas. Mr. Dorrill did not want to tie the  
18 District to any five-year obligation for monitoring reports or that sort of thing.

19 Mr. Campkin asked if the District had an easement over the lake at Masters  
20 Reserve, and Mr. Dorrill advised that the District owned that lake. If someone  
21 planted trees or bushes along the edge of the lake, that could be considered an  
22 encroachment onto the District's easement, and they could have them removed.

23 In response to Dr. Bularzik's question, Mr. Carter reported that the employee who  
24 was hit the previous day while driving a Bobcat on Wildflower Way is doing fine,  
25 with no serious injuries. He will return to work the following Monday.

26 Mr. Carter then went over the plans for lake bank erosion for this year, for which  
27 \$150,000 has been budgeted. Hole Montes came to the District the previous  
28 year and checked all the lakes, and measured the lake banks with a nine-inch  
29 device to determine which lakes need attention and in what order.

30 The next set requiring attention will be Lake 38, in front of Masters Reserve and  
31 Lake 53, across from the Majors, which has a small section needing attention.  
32 The cost for the work needing to be done on those two lakes is \$240,000. They  
33 can do Lake 53 along the golf path, which is the area needing the most attention,  
34 and then as much of Lake 38 as possible up to \$150,000.

1 After a discussion, Mr. Lee suggested that they go forward with the full work for  
2 \$240,000 and cover the extra cost from the reserves.

3 At Mr. Pires' suggestion, Mr. Carter will mark the dangerous parts of the golf path  
4 along Lake 53 with cones.

5 Mr. Dowdy from Hole, Montes then entered the meeting, and noted that they did  
6 do the study of the lake banks a couple of years ago, and determined the areas  
7 that needed to be improved, the majority of which has been done.

8 They looked at the remaining lakes and determined the two that they felt were  
9 the worst, as noted above.

10 The Board was provided with information on what needed to be done, and Mr.  
11 Dowdy noted that in Case 1 the cost would be about \$75 per foot, with Case 2  
12 being \$100 per foot, depending on the severity of the slope and the amount of  
13 bags to be used.

14 Lake 53 is the one that they want to have taken care of first, and if the \$150,000  
15 budget must be adhered to, the work on Lake 38 could be reduced and finished  
16 the following year.

17 Mr. Dowdy explained the exhibit showing Lake 38, which needs about 2,300 feet  
18 of repairs, 10 percent of which is more severe, or Case 2. That translates into  
19 about 230 feet of Case 2, with the remaining feet being Case 1. On Lake 53,  
20 there is 477 feet of Case 1, and a small, 15-foot area of Case 2 on the north side  
21 of the lake, which is severely compromised.

22 To stay within the budget, Mr. Dowdy suggested that they do everything they  
23 have marked as necessary for Lake 53 and do what can be done on 38 with the  
24 remaining budgeted amount. Dr. Bularzik felt that if this work is going to be  
25 done, it should be done correctly, and Mr. Lee agreed, and as previously noted,  
26 to get the balance from the reserves. The sidewalk, or cart path, that needs to  
27 be repaired will be done by the golf club, as it is their responsibility.

28 Mr. Dowdy explained how the measurements are taken along the soil of the lake  
29 banks, and noted the picture in the handout, which showed where the erosion  
30 starts, wherever a steep decline in the slope is noted. He added that every lake  
31 and every eroded edge is different. Mr. Carter will meet Mr. Campkin at the lake  
32 and show him the areas in question and how the measurements are taken in that  
33 lake.

1 Restoration with Geotubes is not intended for a small patch, and Mr. Downy  
2 indicated that the criteria for this type of restoration is six to nine inches. Even if  
3 the severity of the erosion is irregular, it makes no sense to restore it in certain  
4 areas and not in others. Mr. Dowdy added that every inch of Lake 38 is being  
5 restored. Mr. Piers showed before and after pictures of a drop off and repair on a  
6 lake up in Tampa in 2019 to Mr. Campkin to illustrate the difference the  
7 restoration makes.

8 In response to Dr. Bularzik’s question, it was determined that there were  
9 sufficient funds in the capital reserves to make up the \$90,000 balance for this  
10 project. No action on this issue will be taken until the Board convenes their  
11 regular meeting, and a short recess was then taken **on a MOTION by Mr. Lee**  
12 **and a second by Mr. Drum at 1:41 p.m.**