

1 **LELY COMMUNITY DEVELOPMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 **Regular Meeting of the Board of Supervisors**
4 **August 19, 2022**

5 The regular meeting of the Lely Community Development District Board of Supervisors
6 was held on Wednesday, August 19, 2022, at 1:00 p.m. at the LCDD Maintenance
7 Building, Naples, Florida.

8 **SUPERVISORS PRESENT**

- 9 Anne Marie Bularzik, Chair
10 Frank LoMonte, Vice-Chair
11 William Lee, Treasurer, HOA Liaison
12 Kenneth Drum, Supervisor (Via Speakerphone)
13 Gerry Campkin, Supervisor

14 **ALSO PRESENT**

- 15 Neil Dorrill, Manager, Dorrill Management Group
16 Kevin Carter, Operations Manager
17 Lenore Brakefield, Assistant 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 All Board members were in attendance, with Mr. Drum participating via speakerphone.
26 **On a MOTION by Mr. Lee and a second by Mr. LoMonte, Mr. Drum's attendance**
27 **via speakerphone was unanimously approved by the Board due to exceptional**
28 **circumstances.**

1 Mr. Dorrill then noted for the record that the public hearing originally scheduled for 1:30
2 on this date has been rescheduled to September 12 at 1:30 unless the Board is
3 otherwise notified. **On a MOTION by Mr. Lee and a second by Mr. LoMonte, this**
4 **meeting change was unanimously approved by the Board.**

5 Dr. Bularzik thanked Mr. Carter and his staff for the great job they did on trimming the
6 plants along Triangle Boulevard, and Mr. Bowers was also thanked for his response and
7 handling of some burning vehicles, along with some tent campers near a residence in
8 Lely. Mr. Bowers worked with the Sheriff's Department to get this cleaned up.

9 As it relates to the Agenda, the following items were added: 8A, Update on Grass
10 Mowing and Tree Removal on Triangle Boulevard, 8B, Update on Master Agreement
11 with the LCDD, which Mr. Dorrill was on the agenda for discussion under the Managers
12 report, and 8C, Davis Apartment Complex.

13 **The Agenda was unanimously approved as amended on a MOTION by Mr. Lee**
14 **and a second by Mr. Lomonte.**

15 **APPROVAL OF MINUTES**

16 As it relates to the Workshop Minutes, **On a MOTION by Mr. Lee and a second by**
17 **Mr., LoMonte, the minutes were unanimously approved as submitted.**

18
19 As it relates to the Regular Meeting Minutes, the participation of Dr. Bularzik by phone
20 as well as that of Mr. Drum should be added. Mr. Dorrill noted that it did say that two
21 members were participating via speakerphone on the first set of minutes, which he felt
22 was sufficient.

23
24 **With that addition, the minutes were unanimously approved on a MOTION by Mr.**
25 **Lee and a second by Mr. Lomonte.**

26 27 **MANAGER'S REPORT**

28 **A. Budget Hearing Continuance**

29 This item was previously discussed.

30 **B. Algae Control Update**

31 Mr. Carter advised the Board that the algae bloom seemed to be much better, and the
32 rain they have had helped quite a bit. It was sprayed the previous day and that will
33 improve the situation as well. Algae will always be present, but it is sprayed once a

1 month, with additional sprayings if necessary. Mr. Carter noted that he drove around
2 and looked at all the lakes, and they are looking good at this point.

3 **C. License Agreement Update**

4 Mr. Dorrill advised that he had received a communication from the POA's property
5 manager asking the CDD to affirm its willingness to maintain the Collier Boulevard
6 entrance at the time that they replace the sod to a better grade of grass. Mr. Dorrill felt
7 that as they have the responsibility to maintain all the rights-of-ways in the community
8 under the issued permit, that a license agreement in this instance was not needed.

9 Other areas, such as the older crafted preserves, will be handled on an as-needed
10 basis.

11 **D. July Community Patrol**

12 The homeless camp area was previously discussed, and in addition there were
13 eighteen no trespass events, all involving fishing and non-residents. There were over 60
14 traffic related incidents for which warnings or citations were issued. There were three
15 arrests, one involving a DUI. The other two occurred on Triangle Boulevard, one
16 involving shoplifting and the other arrest did not have the cause noted.

17 **ATTORNEY'S REPORT**

18 **A. Master POA Issue**

19 Ms. Brakefield advised that Mr. Pires had spoken to Mr. DeBoest the previous week,
20 who advised Mr. Pires that his client had three issues with the wetland preserve
21 easement. The first and biggest issue was the 15 percent, and Mr. Pires went over the
22 reduced percentage with Mr. DeBoest, but Mr. DeBoest again indicated that it was a big
23 issue for his client.

24 Secondly, the POA wants to piggyback into this agreement the issue of the grass at the
25 Horse Monument, which Mr. Dorrill previously noted in the Manager's Report that the
26 CDD will maintain the grass once it is installed. Mr. Dorrill will advise the Master's
27 property manager of this, that the CDD holds the right-of-way permit on this, and a
28 license agreement is not needed for it.

29 The third issue is the length of the agreement, and the POA wished to change it from
30 one year to three years. Mr. Pires explained that this agreement is a trial run, to make
31 sure that the agreement functions the way everyone wants it to. Assuming that if there

1 are no issues with it, then consideration can be given to entering into a longer
2 agreement.

3 Mr. Dorrill asked if it would be appropriate to have another small negotiating session
4 with the Master president to see if some closure can be brought to this agreement,
5 possibly before the end of the fiscal year. Mrs. Brakefield agreed and will speak to Mr.
6 Pires.

7 Mr. Lee added that the POA should be reminded that the CDD and the people pay the
8 bonds for the entire infrastructure on the irrigation they use daily, and the 8 percent that
9 they are paying is legal, and standard. Payment to the District Manager and the County
10 people are the areas where the 8 percent comes in. The Board briefly discussed and
11 agreed that Mr. Lee would attend this negotiation session in lieu of the Chair, as he has
12 previous knowledge of this issue.

13 **FINANCIALS**

14 The end of the third quarter financials through June 30th balance showed the District in
15 a favorable position in terms of cash, at just under \$5,000,000. Of that, \$2,700,000 was
16 in the reserve account, and the balance of \$2,300,000 was in the operating account at
17 the end of the third quarter. On the liability side, there was \$102,000 in payables that
18 were outstanding at month's end.

19 The income statement showed some non-ad valorem assessments having been
20 received, which is unusual for the District to receive in June. This may be because they
21 have a new tax collector, who may have handled the activity of that office differently.
22 Year-to-date the total received was \$2,455,000, or just under 97 percent of the
23 budgeted amount. Additionally, the surplus auction income came to \$24,232, almost
24 \$14,000 ahead of budget.

25 Year-to-date the total revenues were \$3,447,000 against a budget of \$3,436,000.

26 Mr. Dorrill noted that this year they are on schedule for CSA payments, and the fourth
27 one is now due. He will have those results for the Board at the September meeting.

28 On the expense side, the year-to-date engineering fees are substantially over budget
29 due to the amount of work it took to respond to the South Florida Water Management
30 District's threatened notice of violation for the preserve area behind Ole, and the new
31 law adopted by the Legislature requiring CDDs to do an assessment and inventory of all
32 drainage facilities within the District. As a result of those two items, the District was

1 over budget on engineering fees. They will also be over budget in the associated
2 wages for field management, landscaping, and access control. These are all as a result
3 of the special market rate increases that were given to the employees mid-year.

4 As a result of those two things, year-to-date expenses were about \$190,000 over
5 budget, but total expenses were still about \$500,000 under the total annual budget. A
6 budget amendment will be needed, however, before the close of the fiscal year, and will
7 be done at the next meeting to account for the overages mentioned, and the overages
8 in irrigation and chemicals. Fuel costs are also over budget, by \$18,000 year-to-date.

9 In response to Dr. Bularzik's question about the overage on legal advertising, Mr. Dorrill
10 advised that it was probably a combination of workshops and rate increases for legal
11 notices. Additionally, as the non-ad valorem assessment was raised this year, separate
12 notices had to be sent out on that. Mr. Dorrill anticipates that there will be a few more
13 notices sent as well.

14 The additional bank charge was also questioned, and Mr. Dorrill advised that they were
15 associated with renewing the line of credit. He added that there may be a change in
16 banks, as the one they are presently with may not have programs for public funds going
17 forward, but another bank is apparently courting that business. Mr. Dorrill will keep the
18 Board advised. Mr. Lee added that they had received \$4,800 in interest from the bank
19 in June.

20 In response to a question from Mr. Drum, Mr. Lee advised that District income will be
21 decreasing over time because as of two years ago, all the units in Lely were sold, and
22 as costs increase with inflation, the assessments will have to go up. There are some
23 empty lots, but no building is planned for them at this point. Mr. Dorrill agreed and
24 noted that the CSA Agreement over the past five years was a windfall, and Mr. Lee
25 enumerated all the improvements the Board did at Lely with that money and noted that
26 now it was a matter of maintaining them.

27 After a brief discussion on what CDDs can and cannot do to increase revenue, Mr.
28 Dorrill suggested that they may want to discuss a blended, flat rate assessment and
29 property tax that may be necessary. He added that he does not manage any CDDs that
30 levy both a non-ad valorem assessment and an ad valorem tax, but Mr. Pires can look
31 at some of the options for the CDD on this issue.

32 **On a MOTION by Mr. Lee and a second by Mr. Campkin, the Board then**
33 **unanimously accepted the financials.**

1 **SUPERVISORS' REQUESTS**

2 **A. Appreciation**

3 Dr. Bularzik once again took the opportunity to thank both Mr. Carter for the excellent
4 maintenance job he and his staff have been doing on Triangle Circle, and Mr. Bowers,
5 for his quick response to emergencies and possible threats to the Lely Community.

6 **B. Dead Tree on Triangle Boulevard**

7 Dr. Bularzik expressed her concern over this large, dead tree, that presents a possible
8 dangerous situation if it came down. Mr. Lee advised that the property is owned by the
9 Lely Development Corporation and the District cannot remove the tree. Mr. Carter
10 agreed that it was Lely Development Corporation's property. The Board members
11 discussed the problem and ultimately agreed that it would be Mr. Boff's sole
12 responsibility to remove the tree.

13 **C. Master Association Concert**

14 Dr. Bularzik advised the Board that the Master Association is discussing putting on a
15 concert and festival at Ole this fall and asked if the CDD employees could help with the
16 event, which is sponsored by the Lely Master Association. Mr. Dorrill suggested that
17 they would need a special event permit from the Board of County Commissioners, and
18 considerations would include the maintenance of traffic and security. There is a
19 process that must be followed for these types of events and could possibly include
20 hiring off duty deputies. As it would be a community sponsored event, the CDD
21 employees would be available to observe and report, which is their normal
22 responsibility. If a large crowd is expected, they will need a special event permit.

23 Mr. Drum asked if there was a beneficiary selected for the funds, and if so, he urged the
24 Board to be careful, as another area had an event where the organizer ended up in jail.
25 Mr. Lee advised that this would be the problem of the organizers. Mr. Dorrill added that
26 it becomes more complicated and involves a rider to the organizer's insurance policy if
27 alcohol is sold. There are also issues with noise and traffic. Dr. Bularzik will bring this
28 information to the Master Association.

29 **D. Davis Apartment**

30 Mr. Lee addressed the Davis Apartment complex on Tract 22, that wants to get water
31 from the District, and they also have 12 to 14 Royal Palms that the District is

1 responsible for, as they are between the sidewalk and the road which is District
2 property. Mr. Dorrill noted that they have been paying maintenance and operating
3 assessments for 30 years on the property where those trees sit, as it is inside the
4 District's boundaries. This complex gets a tax bill every year, and a non-ad valorem
5 assessment. Mr. Dorrill noted that they will flag this and keep an eye on it.

6 **PUBLIC COMMENT**

7 No public comment was received at this time.

8 **ADJOURNMENT**

9 Mr. Dorrill asked the Board members to take note of the fact that on Monday,
10 September the 12th the continued budget hearing will be held.

11 **On a MOTION by Mr. Campkin and a second by Mr. Lee, the meeting was then**
12 **adjourned at 1:41 p.m.**