

# Regular Meeting Minutes for February 17, 2023

## Port of the Islands Community Improvement District

The Regular meeting of the Port of the Islands Community Improvement District was held on Friday, February 17, 2023 at 9:30 a.m. at the Orchid Cove Community Center on 25005 Peacock Lane, Naples, Florida 34114 and also via web conference.

### **Present and constituting a quorum were:**

Steve McNamee – Chair

Dan Truckey – Vice Chair

Russell Kish – Assistant Secretary

Kevin Baird – Assistant Secretary

### **Also present were:**

Cal Teague – District Manager, Premier District Management (PDM)

Anthony Pires, Jr. – Attorney, Woodward, Pires & Lombardo, P.A.

David Schmitt – Engineer, Hole Montes, Inc.

Mitch Gilbert – Florida Utility Solutions

Residents

*The following is a summary of the discussion and actions taken at the Port of the Islands Community Improvement District (CID) Board of Supervisors meeting.*

## **FIRST ORDER OF BUSINESS**

## **Call to Order and Roll Call**

The Port of the Islands Community Improvement District Regular Meeting was called to order and all Board members were present, except Anna-lise Hansen, with Supervisor Kish arriving at 9:35. Also at the meeting were Cal Teague, the District Manager, Tony Pires, the Attorney, Mitch Gilbert of Florida Utility Solutions, David Schmitt, the Engineer, and Several Residents. Several Residents also participated via web conference.

## **SECOND ORDER OF BUSINESS**

## **Pledge of Allegiance**

## **THIRD ORDER OF BUSINESS**

## **Approval of the Agenda**

Add 10B Soto Landscaping Proposal #1083 for Palm Tree Trimming – \$3700

Add 10C Soto Landscaping Proposal #5995 for Palm Tree Trimming – \$550

**On MOTION by Vice Chair Truckey, seconded by Supervisor Baird, with all in favor, the Board approved the Agenda, as amended.**

## **FOURTH ORDER OF BUSINESS**

### **Audience Comments on Agenda Items**

Kathryn Osswald wondered why DMG had not been vetted, because Neil Dorrill had a criminal record. Chair McNamee stated that he had done a background check into the company, but did not check the individuals in the company, and he stated that he did not know of the record until after the last meeting.

## **FIFTH ORDER OF BUSINESS**

### **Consideration of Dorrill Management Group (DMG) Contract for Management Services**

**This was discussed later in the meeting.**

Attorney Pires reviewed the formal agreement he had drawn up for DMG's management services, which was developed after consultation with DMG, and it specified that the contract is for \$7,500 per month. It states that their services would begin on February 18, 2023, and it specified the conditions and obligations of DMG.

Kevin Carter from DMG was present, and the process for utility billing was discussed. He stated that DMG is waiting on third party proposals, and they will pass the billing directly to the District without markup. There was desire expressed that the bids were for all needed utility services, including meter reads, transfer of data, customer service, and ACH, as well as, billing. District Manager Teague stated that the PO Box for payments will need to be transferred to a new owner, or mail will need to be picked up in Fort Myers. He stated that the ACH should not change if the bank does not change.

**On MOTION by Vice Chair Truckey, seconded by Supervisor Kish, with all in favor, the Board approved the contract with DMG Management Services, with possible adjustment due to response from third party vendors, and the contract was authorized for signature by the Chair.**

## **SIXTH ORDER OF BUSINESS**

### **DMG Resolutions for Transfer of Management Services Authorities**

**This was discussed later in the meeting.**

Attorney Pires reviewed the resolutions provided by DMG for the transfer of management responsibilities. Resolution 2023-02 is for Board reorganization. It names Neil Dorrill as Secretary and Treasurer, Kevin Carter as Assistant Secretary and Assistant Treasurer, with all other Board of Supervisors officers remaining the same.

**On MOTION by Vice Chair Truckey, seconded by Supervisor Baird, with all in favor, the Board adopted Resolution 2023-02 appointing Neil Dorrill as Secretary and Treasurer, Kevin Carter as Assistant Secretary, and Assistant Treasurer, with all other Board of Supervisors and officers of Port of the Islands Community Improvement District remaining the same.**

Resolution 2023-01 assigns signatories on Valley National Bank accounts.

**On MOTION by Vice Chair Truckey, seconded by Chair McNamee, with all in favor, the Board adopted Resolution 2023-01 appointing Neil Dorrill and Kevin Carter as signatories on Valley National Bank accounts.**

## **SEVENTH ORDER OF BUSINESS**

## **Approval of Meeting Minutes**

### **A. Draft Regular Meeting Minutes for January 20, 2023**

Line 35 Remove the line concerning Chair McNamee and Supervisor Kish investigating a truck and trailer parked on the grass.

Line 39 Change to “Attorney Pires questioned whether the project would be included in the FEMA grant application”

### **B. Draft Continuation Meeting Minutes for January 27, 2023**

Line 12 Change “paralegal” to “partner”

Line 43 Change “for the sale of Parcel 13” to “expenses related to the future development of the property”

**On MOTION by Vice Chair Truckey, seconded by Supervisor Baird, with all in favor, the Draft Meeting Minutes for January 20, 2023, and the Draft Continuation Meeting Minutes for January 27, 2022 were approved, as amended.**

## **EIGHTH ORDER OF BUSINESS**

## **GIS Presentation and Discussion with Felipe Lemus of FL GIS**

**This was discussed later in the meeting.**

Felipe Lemus displayed the GIS map and gave a presentation:

He stated that the system is up and running. He also explained how the Board can access the map and a tutorial.

Chair McNamee stated that he would like to know the location of easements, and Mr. Lemus explained where easements are displayed on the map, and he also explained the other data that is available.

Supervisor Kish asked about the purpose of the map, and there was discussion on its intended purpose and on the advantages of its accessibility. There was also discussion on the data for specific areas of the community, and on the costs inherent in the map's development and maintenance. Mr. Lemus stated that he works with Engineer Schmitt as he continues to develop and update the map, and the Board asked Engineer Schmitt to gather plats and easements for the west side of Newport Drive, so Mr. Lemus can use this information to update the map.

## **NINTH ORDER OF BUSINESS**

## **Utility Operations**

Mitch Gilbert reviewed his report and the following items were discussed:

### **A. Monthly Operations Report**

Mitch reported that there are no issues with the water plant and wastewater plant. He stated that he is putting gravel on the Wellfield Road and is replacing some culverts.

Mitch stated that they take samples throughout the year to monitor nitrate and nitrogen levels, and the samples they recently submitted were not properly run in the lab, for which they accepted responsibility. Mitch had received a warning letter, but there was no fine, and he posted the letter on the website. For the community's information he stated that there were no water quality issues because of this failed testing. He is considering a change to a different lab.

In response to a resident's question, Mitch stated that they are repairing or replacing the culverts that need to be addressed. Vice Chair Truckey explained the work they are doing to manage the stormwater system for the prevention of flooding. He stated that there had been a study on the road by the Corps of Engineers, which they are referring to when addressing the issues.

### **B. Wellfield Road and Generator Costs Update**

Vice Chair Truckey stated that these costs are being added to the grant for the FEMA request for reimbursement.

### **C. February Plant Tours**

The tour is immediately after today's meeting, which had been posted on the website, per the Board's request.

## **SEVENTH ORDER OF BUSINESS**

### **Landscape Maintenance**

#### **A. February Report**

Supervisor Baird reviewed the report submitted by Soto Landscaping, and stated that the irrigation issues on Newport and Cays Drive have been resolved.

Vice Chair Truckey mentioned the trees on the berms by the water plant.

Kathryn Kehlmeier commented on the weeds in the pots at the entrance to Newport Cay that need to be removed, and the Board will work with her to get the removal completed.

#### **B. Soto Landscaping Proposal #1083 for Palm Tree Trimming – \$3700**

Proposal #1083 is for trimming palm, coconut and royal palms.

#### **C. Soto Landscaping Proposal #5995 for Palm Tree Trimming – \$550**

Proposal #5995 is for trimming Reclinata palms and canary palms which are hanging low on Union Road.

**On MOTION by Supervisor Baird, seconded by Vice Chair Truckey, with all in favor, the Board approved Proposal #1083 for palm tree trimming, not to exceed \$3,700, and Proposal #5995 for palm tree trimming on Union Road, not to exceed \$550.**

## **ELEVENTH ORDER OF BUSINESS**

### **Engineer Report**

Engineer Schmitt stated that an inspection and analysis of the community water and wastewater system is needed, and the report is due to the Florida Department of Environmental Protection at the end of June.

The Board was concerned about the cost but decided to approve the report's completion.

**On MOTION by Supervisor Baird, seconded by Vice Chair Truckey, with all in favor, the Board approved an inspection and analysis report for the Florida Department of Environmental Protection to be completed and submitted, not to exceed \$37,000.**

#### **A. Water Tank Proposal**

Engineer Schmitt submitted a draft proposal for the plant site permit. He stated that the tank would be made potable and used for water storage and would also be converted, so that it can be used for irrigation

and fire service, and it could be switched back and forth. The pump stations on the canal would also be eliminated.

The Board asked Dave to send Supervisor Hansen the master plan for swales.

## **TWELFTH ORDER OF BUSINESS**

### **Field Manager Report**

#### **A. Current Field Report**

The Field Manager Pepin's report was in the packet, and the following items were discussed:

#### **B. Follow-up Items**

##### **i. Aerator Installation Update**

Field Manager Pepin had reported that the electrical for the first retention pond should be completed this week. LCEC is scheduled to be onsite sometime in the next couple weeks to confirm that power is available at the other transformers along Cays Drive, which they will be using to power the aerator systems for the 2nd and 3rd retention ponds. When this is completed, Excel Electric can complete their portion of the project.

The Board decided to delay any further work on the aerators, because of costs, the lack of perceived value, and the lack of responsiveness from Solitude.

**On MOTION by Supervisor Kish, seconded by Supervisor Baird, with all in favor, the Board approved a halt to the installation of aerators until an analysis is completed on financial obligations to date.**

## **THIRTEENTH ORDER OF BUSINESS**

### **District Manager Report**

#### **A. Monthly Financial Report: January 2022**

District Manager Teague stated that the Financials are in good condition, and there is \$3 million in reserve.

There was discussion on the high cost of the diesel fuel surcharge by the sludge hauler used by the wastewater plant, which the Board decided to address at a later time.

**On MOTION by Chair McNamee, seconded by Supervisor Kish, with all in favor, the Board accepted the Financials for January 2022, as submitted, with all outstanding invoices to date approved for payment.**

## **B. Hurricane Ian FEMA Reimbursement Application Status**

District Manager Teague had included the invoice tracking sheet for the FEMA application in the packet. He stated that he had sent Vice Chair Truckey information sheets and the Subaward Funding Agreement, per his request, on February 10, 2023, but he has not confirmed receipt. District Manager Teague stated that he had spoken with the Florida DEM, and they have explained how Premier District Management can assign the grant's management portal and Florida Public Assistance accounts to a new contact. He had asked Vice Chair Truckey if he would like to be designated as the assignee, or if it should be delegated otherwise. He will assign Dorrill Management Group or their assignees once instructed to do so.

## **C. FY 2024 Budget Schedule**

District Manager Teague stated that PDM had submitted the 2024 Budget Schedule, which DMG will need to adjust. He stated that the Board needs to approve a tentative or proposed Budget by June 15, 2023

## **FOURTEENTH ORDER OF BUSINESS**

### **Attorney Report**

#### **A. Discussion of Form of Resolution Establishing Various Committees**

Attorney Pires had submitted a template for establishing committees, and he requested information from the Board, including what committees they would like developed, if there will be a liaison, and the scope of the committees' responsibilities. Vice Chair Truckey suggested that the committees only be used for information gathering. Attorney Pires stated that, according to Sunshine laws, the committees cannot give recommendations, which could be a difficult requirement to follow. Supervisor Kish suggested that individuals bring information to the Board, rather than committees, because of the restrictions. The Board decided to table this until a later time.

## **FIFTEENTH ORDER OF BUSINESS**

### **Old Business**

#### **A. Lawsuit Update**

Attorney Pires stated that he, his partner, and Chair McNamee had met with Mr. Prephan and his attorney, and they had agreed to disagree at the present time.

#### **B. Parking Signs/Towing Discussion**

There was discussion on the need for signs on the median at the marina, and a resident suggested areas that she had observed. Chair McNamee will meet with the resident to discuss these areas. He stated that he can pull out signs that are not needed and they can be stored at the water treatment plant, and then be installed in agreed upon locations at a later time.

## **C. Re-zoning Parcel 13**

Attorney Pires had reviewed the 2nd PUD rezoning proposal from Lindsay Case in the most recent packet. The first rezoning submittal was reviewed at the November, 30, 2022 meeting. He suggested that the most recent proposal be placed on the website, so the public can be made aware of its contents and can make comments. Lindsay Case was at the meeting, and he responded to audience comments and questions. He also reviewed his work on the rezoning and also reviewed the progress of the development. Supervisor Kish asked about the size of the lots, and Mr. Case stated that this is not the current information requested by the County. Attorney Pires stated that there will be opportunity for community input at the neighborhood information meeting on March 7, 2023 at 5:30 p.m. at the POI Resort Conference Room.

## **D. Swale Issues**

Engineer Schmitt stated that he will be meeting with Supervisor Hansen to discuss swale issues. Chair McNamee stated that, in a conversation with Mr. Mess, he stated that he had signed an agreement that communicated his willingness to remove the pipe in the swale, if he is requested to do so. Chair McNamee will forward a copy of the agreement to Engineer Schmitt, if there is one available.

## **SIXTEENTH ORDER OF BUSINESS**

### **New Business**

#### **A. Greater Naples Fire Rescue District Withdrawal from Ochopee Interlocal Agreement**

A letter was received by the Board indicating that The Greater Naples Fire Rescue District intends to terminate the soon to be effective Ochopee Interlocal Agreement for Fire and Rescue Services with Collier County. After discussion, Vice Chair Truckey was appointed to represent the POICID Board of Supervisors in this matter.

**On MOTION by Chair McNamee, seconded by Supervisor Baird, with all in favor, the Board appointed Vice Chair Truckey as representative of POICID for the negotiation of the agreement between Ochopee Fire and Rescue and Greater Naples Fire and Rescue District.**

## **SEVENTEENTH ORDER OF BUSINESS**

### **Supervisor Requests and/or Comments**

There were no Supervisor Requests or Comments.



## **EIGHTEENTH ORDER OF BUSINESS**

## **Audience Comments**

Lynnette Gross mentioned Community Block Grant Funds as a funding source for the community. She also mentioned the availability of military surplus.

Patrick Otenbaker asked about mosquito spraying in the community.

## **NINETEENTH ORDER OF BUSINESS**

## **Adjournment**

**On MOTION by Vice Chair Truckey, seconded by Supervisor Kish, with all in favor, the Board agreed to adjourn at 2:06 p.m.**

The Next Regular Meeting will be on March 17, 2023 at 9:30 a.m.

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**Secretary/Assistant Secretary**

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**Chair/Vice Chair**