

1 **PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT**  
2 **NAPLES, FLORIDA**

3 **Regular Meeting of the Board of Supervisors**  
4 **January 19, 2024**

5 The regular meeting of the Port of the Islands Community Improvement District Board of  
6 Supervisors was held on Friday, January 19, 2023, at 9:30 a.m. at the Port of the  
7 Islands Resort, 25000 Tamiami Trail E, Naples, FL 34114.

8 **SUPERVISORS PRESENT**

9 Steve McNamee, Chairman

10 Dan Truckey, Vice Chairman via Zoom

11 Kevin Baird, Supervisor

12 Anna-Lise Hansen, Supervisor

13 **ALSO PRESENT**

14 Neil Dorrill, Manager, Dorrill Management Group

15 Kevin Carter, Manager, Dorrill Management Group

16 Tony Pires, District Counsel

17 Matt \_\_\_\_\_, Florida Utility Solutions

18 **PLEDGE OF ALLEGIANCE/PRAYER**

19 The pledge of allegiance was recited in unison.

20 A prayer was given by Father Frank in memory of Marine Zachary Ludwig. The subject  
21 of an honor and remembrance flag was brought up. Mr. Baird suggested ordering the  
22 flag for Zach. Mr. McNamee agreed. **Ordering the honor and remembrance flag was**  
23 **unanimously approved on MOTION by Mr. McNamee with a second by Ms.**  
24 **Hansen.** Mr. Dorrill will follow up with Senator Passidomo's office to make  
25 arrangements to get the flag for the Ludwig family.

26 **ROLL CALL/APPROVAL OF AGENDA**

27 Three of the five supervisors were present in person, establishing a quorum, with  
28 Supervisor Truckey appearing via Zoom. **On a MOTION by Mr. McNamee and a**  
29 **second by Ms. Hansen, Mr. Truckey's participation by remote attendance due to**  
30 **extenuating circumstances was approved.**

1 The meeting was convened at 9:30 a.m. The meeting was also properly noticed. The  
2 notice and affidavit are on file with the district office at 5672 Strand Court, Naples, FL  
3 34110. The roof of the Orchid Cove Clubhouse is being torn off and the Board was  
4 informed the day before the meeting. The meeting was held across the street at The  
5 Resort. A notice was posted on the Orchid Cove Clubhouse door redirecting the public  
6 to The Resort instead and a notice was also posted on the website Thursday morning.

7 Mr. Truckey added discussion about a possible event as item 12 A under supervisors'  
8 request. **On a MOTION by Mr. Baird and a second by Ms. Hansen the agenda was**  
9 **approved as amended.**

## 10 PUBLIC COMMENT

11 Nick Pearson – Environmental Consultant from Bayshore Marina – Said he wanted to  
12 discuss a private preliminary matter. His client, Jeff Jerue, owns property at 140  
13 Wilderness Cay. They are working on a project to build some sort of fence or wall. They  
14 are still working on the design to determine what exactly the structure will be. He is not  
15 sure if they are going to be building a retaining wall. They are navigating the design  
16 around the oak trees. Mr. McNamee said that the district has a drainage easement  
17 along the waterfront near the property. He said they will have to be involved in the  
18 design/decision if the wall crosses or interferes with the drainage. Mr. Pearson said the  
19 intention is not to reduce or interfere with the drainage. Mr. Pires said that the district  
20 does not have seawall jurisdiction unless it impacts any district easement. Mr.  
21 McNamee requested that Mr. Pearson connect with Mr. Dorrill to stay on top of the  
22 design and implementation. Mr. Pearson agreed.

### 23 A. Parcel 13 Rezoning Updates

24 Mr. Pires requested this item to be continued until the next meeting. He said there was  
25 miscommunication between him and Ms. Passidomo, the attorney for Mr. Case.

### 26 B. Collier County Code Enforcement Process

27 Don Joseph – Area Investigator for Code at Port of the Islands. Mr. Joseph explained  
28 that Senate Bill 60 that the Governor signed in 2021 requires the need for an individual  
29 complainant with a name, address, and phone number as discussed at the meeting last  
30 month. This bill made it unlawful for a code official to initiate an investigation on a code  
31 violation based on an anonymous complaint. Mr. McNamee asked what if the code  
32 official is passing through the community and notices something themselves. Mr.  
33 Joseph said part B to that bill is unless it is a serious health, safety or welfare issue or

1 threat to irreputable damage. He shared that in their normal patrol the code official can  
2 cases regarding grass and weeds if they are in excess of 18 inches of height, litter,  
3 prohibited outside storage, dangerous jump or inoperable vehicles, dilapidated fences,  
4 green pools, lack of pool barrier, occupied RVs, county right of way signage, right of  
5 way maintenance or work in it, parking in the right of way, and dangerous structures. He  
6 is limited to opening these claims. Anything else needs a complainant that would be a  
7 public record. Ernest Peterson asked if the complainant has to be someone who lives in  
8 the area and if it could be a board member. Mr. Joseph said other areas have HOAs  
9 take the complaints and file them for the community members but he is not sure how it  
10 would work with a CID. Mr. McNamee shared that at the last meeting Attorney Pires  
11 recommended that the CID not be involved unless the complaint affects District property  
12 or interests such as easements, anything owned by the District, or anything of the  
13 District's that could be adversely impacted by the violation. Mr. McNamee said that  
14 members of the community should not hesitate to call a Board member to inform them  
15 of anything they notice, and the Board member could contact the homeowner in  
16 violation directly before getting code enforcement involved. He said going to the  
17 neighbors directly and pointing out the issue should be what happens first and if it  
18 cannot be rectified that way then other avenues could be explored. Jo Lloyd asked how  
19 often Mr. Joseph comes through to inspect violations. He said he drives through every  
20 Wednesday and most Thursdays. On Mondays and Tuesdays, he's over near 41 and  
21 Collier. He said he has an open case on the mis-parked RVs currently.

22 Patrick Otenbaker - Newport Dr – Mr. Otenbaker is a retired police officer. It is his  
23 understanding that with the old eye sore tour bus if there are current plates and the  
24 owner has address here it cannot be towed. He asked Mr. Joseph if that was the case.  
25 Mr. Joseph said that it cannot be towed as an abandoned vehicle because of its current  
26 registration but zoning of hotel parking lot prohibits the storage of recreation vehicles.  
27 He has a current case open at hotel parking lot. It was said that the woman who owns  
28 the bus moves it every time it is ticketed. An unidentified women defended the bus and  
29 said to not single it out if you are not going to address other things like storage pods.  
30 She said the hotel is private parking. Mr. McNamee said that he spoke to Tom who  
31 owns most the hotel about all the trailers and such parked there. Tom told Mr.  
32 McNamee that he felt he did not have enough signage around the hotel telling people  
33 that they could not park there. He only gave two people permission to park there. Tom  
34 said he was going to get signage put up and start enforcing the parking rules there. That  
35 will probably include having a sticker on the vehicle, for example, to be able to park  
36 there and then hire a company to remove any vehicles that are parked there and should  
37 not be. Mr. McNamee has not gotten an update on where Tom is at in the process. He

1 also shared that he looked at the condo association rules regarding parking and found  
2 that it says that people should park here or there, and Tom was not aware of that. He  
3 said that is probably why people are doing it and that is why they are trying to address  
4 parking now. The same unidentified women said that Collier County has a public boat  
5 ramp now. She said that people who do not want to pay a fee launch their boats from  
6 there and then drive there trailers down here. She said that Collier County needs to see  
7 what their boat ramp is doing and keep track of it. Mr. McNamee said that he has talked  
8 to Collier County about the parking of the boat trailers, especially on the lawns and they  
9 are aware of the zoning here and that it is not correct. He said some of the boats could  
10 belong to patrons of the hotel who have rented a room and that is why they have a boat  
11 parked there. Tedi Graigo was told by Tom that he signed a contract allowing the  
12 marina to use the parking lot.

13 Mr. Joseph said another one of his open cases is regarding the trailers parked along the  
14 grass strip. Determination came back Wednesday that it is not zoned for that. As a  
15 result, parks and rec was advised yesterday that those boats and trailers need to be  
16 removed. They responded that they were going to work on finding a solution to notify all  
17 the people who own the trailers to get them removed. Mr. McNamee asked if a certain  
18 amount of response time is given when a notice is posted on someone's vehicle. Mr.  
19 Joseph said for an individual on a driveway typically on a first offense there is a week  
20 allotted. He said in a situation like with all of the trailers at the hotel they would be given  
21 30 days as standard. Mr. McNamee asked about the fenced in area on the back. He  
22 said they are renting boat storage in the back and it is not zoned for that. Mr. Joseph  
23 said there was an update to the site development plan for that area and the OK was  
24 given for dry storage after the fencing and buffering. Mr. Dorrill said they had spoken to  
25 the Deputy County Manager Dan Rodriguez and Jamie French and Jamie was of the  
26 opinion at that time that there may have not been an improvement plan that was filed  
27 and or a building permit to erect the fence. Mr. Dorrill asked for the details of that site  
28 development plan to be shared with him because that has been an ongoing issue for at  
29 least four months. Mr. Joseph said that he knows that the fence permit was issued and  
30 finalized. He said it was old. It was for 525 Newport Dr. Mr. Pires said that he would  
31 check city viewer. Mr. Joseph said as far as the SDPI and substantial change and  
32 cannot say that he found a finalized copy of that. Mr. Dorrill asked if he would send him  
33 any pertinent information so that he can inform Dan Rodriguez and Commissioner  
34 LoCastro about it. Mr. McNamee asked if it was found that the area was not properly  
35 permitted if Mr. Joseph would follow the same eviction procedure as he is with the  
36 boats. Mr. Joseph said that the requirement would be to update the site development  
37 plan to show that area. Mr. McNamee asked whether until that happened it would be

1 correct to say they would be in violation. Mr. Joseph said technically, yes. Mr. Joseph  
2 said that County is not making money on the rentals of those spots. Mr. McNamee said  
3 that the County makes it almost impossible for someone with commercial land to do any  
4 development in the community because of all their stipulations yet he feels that Collier  
5 County is one of the biggest violators of the rules in the community. He said when he  
6 has spoken to the County, they have admitted that they know it is wrong, yet they do  
7 nothing. Mr. McNamee said it just came back that the County claims to not have a  
8 budget to take over the median and his problem is that they just raised the taxes in the  
9 area by about 30%. He said that they are taking millions of dollars out of the community  
10 and feels that Collier County is giving them back almost nothing. He said it is at the  
11 point where the board needs to notice a meeting and have all five board members and  
12 Mr. Pires attend the next County Commission meeting and bring this up. He said that  
13 their representative Mr. LoCastro is good at making promises but not at yielding results.

14 Mr. Baird read the Board's Code of Ethics regarding the conducting of meetings.

#### 15 C. Meeting Broadcast Update

16 The consensus of the board was that they did not want to own their own equipment and  
17 have the gentlemen run it. They have submitted a reduced proposal fee of \$833 per  
18 meeting, \$200 less than the original proposal. Mr. Dorrill said that he thinks it is a good  
19 price for the quality they offer. They would like to have a separate conversation with Mr.  
20 Dorrill to cover them in the rare event that a meeting is continued. That happened twice  
21 this past year. They would like to have a supplemental fee for that if they have to tear  
22 down and set everything back up the next day for a meeting that does not get  
23 concluded. Mr. McNamee said that he spoke with Dave and Frank about a few issues  
24 that he had and worked them out. **Ms. Hansen made a MOTION to approve the**  
25 **proposal of \$833 per meeting with a second by Mr. Baird, with three in favor, one**  
26 **opposed.**

#### 27 APPROVAL OF MINUTES DECEMBER 15, 2023

28 Mr. McNamee brought up items addressed in the minutes to get status updates on  
29 them.

30 Page 2 line 37 Kathryn Kehlmeier asked about a document. She only brought one copy  
31 and gave it to Mr. Dorrill to distribute to the board. It was regarding the mosquito  
32 spraying down the driveways. Mr. Kish was going to make sure spraying there started  
33 again. Mr. Dorrill will follow up with Mr. Kish and make sure it gets done.

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- 1 Page 3 line 16 Following up about the website conversion. Mr. Dorrill shared that it has  
2 been done for two weeks and that the new company is local, Exploritech.
- 3 Page 7 line 37 The bid referred to here was passed out at the meeting today. The name  
4 of the utility rate analysis consultant is Raftelis.
- 5 Mr. McNamee asked about the Florida Rural Water Association. Mr. Dorrill contacted  
6 them but does not think they have adequate resources to be able to do the scope of  
7 work but the District should explore becoming a member. It is a trade group of people  
8 who own and operate utilities the size of the District's.
- 9 Page 8 line 19 someone flushed a washcloth on Cays Drive and it got into one of the  
10 pumps and cost a lot of money to clean it out. Mr. McNamee wanted to make the public  
11 aware so that sort of thing does not happen again.
- 12 Page 8 line 35-37 Mr. Dorrill still has to get the name of the hard water stain removal  
13 product. Will post product on website.
- 14 Page 9 line 38 The survey was given to the board this morning by Mr. Pires and will be  
15 emailed to Mr. Truckey and Mr. Kish
- 16 Page 10 line 11 Ms. Hansen and Mr. Gilbert still need review the flushing valves in  
17 swales. She is hoping to get with Mr. Gilbert and walk them to make sure they are in the  
18 right place.
- 19 Page 14 line 30 interlocal agreement with County for road resurfacing. Mr. Dorrill said  
20 that it is possible but has not gone to contract yet. They are eligible to tag on to Pelican  
21 Marsh's resurfacing plan. The plan is on a linear foot basis and includes milling and  
22 repaving. This is on a list of action items for the new civil engineer. Johnson  
23 Engineering can be hired on task by task basis in the interim.
- 24 The following corrections were given by Mr. McNamee and Mr. Pires:
- 25 Page 2 references to Ray, need last name for the gentleman from waterkeepers
- 26 Page 2 line 35 eliminate hyphen between 49 and 05 (to read 4905)
- 27 Page 3 line 25 should say no residents
- 28 Page 3 line 27 capitalize Union Road

- 1 Page 5 line 22 blank should be Ron Westerman
- 2 Page 6 line 42 blank should be study
- 3 Page 8 line 7 blanks for the motion, Mr. Dorrill will fill those in with his handwritten notes
- 4 Page 10 line 32 now instead of no
- 5 Page 11 line 10 Park should be capitalized
- 6 Page 13 CID should be changed to CDD
- 7 Page 14 line 12 parameters instead of perimeters
- 8 Page 14 line 22 add street
- 9 Mr. McNamee asked Mr. Pires if it made sense for him to be spending his billable time
- 10 reviewing the minutes. Mr. Pires said if it is in Word format it only takes him 10-15
- 11 minutes.

12 **The minutes were approved as amended on a MOTION by Mr. Baird with a second**  
13 **by Ms. Hansen with all in favor.**

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

##### 15 **A. Website Conversion**

16 Discussed and accomplished.

##### 17 **B. Wellfield Raw Water Main Evaluation**

18 Professional services agreement with Johnson Engineering. This is for an engineering  
19 report to damage done to the community's raw water main. It is a six-inch main that  
20 runs about two miles north into the community that has at least 10 leaks in it attributable  
21 to Hurricane Irma response done with heavy equipment and utility trucks. The wellfield  
22 was flooded. Mr. Truckey is the liaison for this project. The estimate is not to exceed  
23 \$25,000 and is on a time and materials basis. Mr. Truckey said that this engineering  
24 work is needed for the FEMA grant. It is to replace the water line which is anticipated to  
25 cost around \$1.3 million. Without spending the \$25,000 for the evaluation they would be  
26 unable to move forward with the FEMA request.

1 Mr. McNamee thanked Mr. Truckey and Mr. Carter for all the work and time they have  
2 put into working on the FEMA grants. Mr. Carter is unable to attend the meeting today  
3 because he is at an LMS grant meeting which is local mitigation strategies grant. The  
4 total grant request for the LMS is in the range of \$3.3 million.

5 The district has received a check for \$11,000. \$1,000 will go to the grant writer that  
6 helped them with this. A check should be coming for generator. The grants that have  
7 been approved total around \$90,000. They are awaiting receipt for the rest of those  
8 checks.

9 **The chairman was authorized to execute the agreement with Johnson**  
10 **Engineering for the raw water main evaluation on a MOTION by Mr. Truckey with a**  
11 **second by Ms. Hansen, with all in favor.**

#### 12 C. Utility Rate Analysis

13 Raffelis proposal to evaluate rate structure. Mr. Dorrill talked to them in advance about  
14 budget delineation and to explain that utilities are heavily subsidized by non-ad-valorem  
15 taxes. They understand this scope. Raffelis is the same firm that has done all of Collier  
16 County's rate analysis for 25 years. The agent is based in Orlando and has done  
17 something similar for Orange Tree before it was acquired by the County. They  
18 understand that the work needs to be done by June before the preparation of the final  
19 budget. The work will be done on a time and material basis. Their proposed fee is in  
20 accordance with funds estimated for this. Staff is recommending approval as it is one of  
21 the Board's top priorities for the year. Mr. Pires said that one of the CDD's that he works  
22 with also uses them and is very happy with their work.

23 **Mr. Dorrill was authorized to approve the proposal with Raffelis on a MOTION by**  
24 **Mr. McNamee with a second by Ms. Hansen, with all in favor.**

#### 25 D. ACH Conversion Update

26 Mr. Dorrill wants the board to know that they are continuing to track and persist on the  
27 addition of ACH vendors for utility billing. The ACH vendor that supports the company  
28 doing utility billings has new vendor selected. Mr. Dorrill asked for this information to be  
29 memorialized in an email. The woman Mr. Dorrill has been in contact with has not  
30 mentioned a specific date but is hopeful the ACH vendor will be identified and make  
31 application in time for the February billing cycle, if not the subsequent. This was  
32 supposed to be done in November, but MuniBilling had integration issues.



1 **E. CID Blast Email Status**

2 The application for residents to share their email to receive email blasts from the CID  
3 went out Wednesday via separate mailing. A second mailing will go out with the next  
4 utility bill. Mr. McNamee encouraged the audience to opt into this. He said there was a  
5 situation last night where the cops were looking for someone and right now there is no  
6 way to alert the residents. He said there are many reasons why this will be a benefit to  
7 those who opt in, from situations like that to hurricane season notifications.

8 Katharine Kehlmeir – Asked if the list of email addresses is public record and what that  
9 means. Mr. Dorrill said if a public records request was made, he would have to provide  
10 the list by law. Mr. Pires said that if they receive residents' information it can be linked to  
11 the Sheriff's Department through Code Red process so that in the event there was a  
12 threatening situation in the community the sheriff has the ability to send text messages  
13 or blast emails under a code red scenario. Mr. Dorrill said that may be something they  
14 want to evaluate further with the sheriff's department. Mr. Pires thinks that the  
15 individuals would have to opt in for this program themselves. The information for code  
16 red is private and only used for those communications.

17 Steve Gunther – Peacock Lane – Thanked Neil for working on this. He said that when  
18 they started this process one of the first actions they took was collecting all of the HOA  
19 or COA president's emails. He encouraged other residents that if they do not want to  
20 give their personal emails to talk to the president of their board and have them  
21 personally distribute the email from the CID list to the subcommunities.

22 Mary Beth Stewart – Said that for Orchid Coves Association you can opt in online and  
23 change your email address and such electronically. She said it is self-service and very  
24 easy to manage. She wondered if something like this could be implemented in the  
25 future.

26 Tedi Graigo – Said that she is part of the HOA for the hotel/condo BS that is currently  
27 going on and that their president does not do much. Asked if she could contact Mr.  
28 McNamee directly to get the form to get her email on the list. Mr. McNamee said that  
29 anyone can contact any board member whenever by either emailing or calling, that is  
30 what they are there for. Mr. Dorrill said they can also contact him by email. If you live in  
31 a condominium and do not receive a utility bill and therefore would not receive the form  
32 by mail you can contact Mr. Dorrill or a member of the Board to give your information  
33 and get added to the email blast list.

1 Kathy Oswald – Sunset Cay – Asked why the email list must be public record. Mr.  
2 McNamee said that since the community is a public entity there are laws requiring it. Mr.  
3 Dorrill said that Florida has some of the most liberal public record sunshine laws.  
4 Anything that Mr. Dorrill possesses or does regarding the district is public record unless  
5 subject to an exemption.

## 6 FINANCIALS

7 Financials through November 30, 2023, the second month of the fiscal year. Total cash  
8 on hand was \$4,613,000. The principal amount of that is in the operating account.  
9 There are some due to and due from the utility account. Mr. Dorrill said that \$4,613,000  
10 is a very strong cash position for a community this size. The District has land and  
11 infrastructure depreciable assets of \$16 million. Total assets after depreciation are  
12 \$13,100,000. There was \$97,000 payables at the end of the month. Mr. Dorrill noted  
13 that on the income statement you can see many residents elected to pay their taxes  
14 towards the end of the November. \$106,000 in these taxes was received and booked  
15 during the month of November. Taxes that were paid on the last two days of November  
16 would not be reflected here as they were not yet recorded by the tax collector in early  
17 December. These funds are received electronically, wired directly into the District's  
18 accounts. Since it is towards the beginning of the fiscal year no cost centers are over  
19 budget yet. Mr. Dorrill said that some of his clients prepay their insurance but here they  
20 pay monthly.

21 Mr. Dorrill shared that they are separately expensing costs related to Hurricane Ian.  
22 While those costs are not reflected, he pointed out that there are some hurricane costs  
23 on the utility side. \$13,273 is in the utility fund for specialty contractors who were  
24 brought in to assist Mr. Truckey and staff to do some sonar detection of leaks in the raw  
25 water main. While there was no budget for that work, it is being expensed in a separate  
26 category for costs that may have FEMA eligibility. Mr. Dorrill said that so far the District  
27 is about \$60,000 year to date under budget in the operating fund. Some of the work that  
28 is done is seasonal. Mr. Dorrill concluded that at the end of two months, revenues are  
29 slightly ahead of forecast and the overall cash position is quite strong.

30 Mr. McNamee asked what unreserved fund balance means on the first page. Mr. Dorrill  
31 said that there are certain contingency reserves and by law they budget a 5% revenue  
32 reserve. In theory it acts as a secondary contingency in anticipation that maybe not all  
33 taxes will be paid or will be paid by an investor through a tax certificate sale. The reserves  
34 are shown separately in those two regards. McNamee asked if \$13 million was just  
35 sitting in those reserves. Mr. Dorrill said no because not all of that is cash. The

1 depreciable assets are \$15 million, the utilities system has been evaluated in terms of  
2 replacement cost and then they are depreciating those assets. He said for a community  
3 this size to have a \$15 million utility system is another really strong point.

4 **The financials were accepted on a MOTION by Mr. McNamee and a second by Mr.**  
5 **Baird with all in favor.**

## 6 **UTILITY OPERATIONS**

### 7 **A. Equipment Delivery Status, WWTP Permit Renewal**

8 Matt with Florida Utility Solutions. All requirements were met. The reuse pump system is  
9 functioning properly. Over on the canal they are still operating with two pumps and no  
10 generator. Processed 2.6 million gallons of wastewater. Produced and distributed 3.7  
11 million gallons of drinking water. Distributed 8.4 million gallons of reuse water. Read 857  
12 meters and used 970 gallons of chlorine. Both mobile generators were serviced with  
13 new tires along with the generator on the well road receiving maintenance. All lift and  
14 pump stations were tested. They are still in progress with the parts that were approved  
15 and the repairs that are underway. Many parts have been received and work has begun  
16 on multiple projects. Minor repairs were made this month including installing rip rap  
17 around the culverts on the well road, fabricating a new dumpster, and pumping down  
18 parts of the plant for the upgrade to the plant. Mr. McNamee said it looks like the  
19 difference between what is being produced in potable water and what is being reused in  
20 the wastewater plant is about 42% less. Putting in fresh water but only reusing 42%  
21 of that. He asked if that was going into things like swimming pools. Matt said that any  
22 water that wouldn't go into sanitation lines like swimming pools, hand watering lawns,  
23 washing cars, and a lot of the boats are on the reuse system. Mr. McNamee thanked  
24 them for their hard work at the plant. Mr. Truckey also thanked them for their work on  
25 installing rip rap on the culverts which brought it from 80% reimbursement to 100%  
26 reimbursement on one of the FEMA grants. They had to get that done so Mr. Truckey  
27 could get it on to the grant.

## 28 **ATTORNEY'S REPORT**

29 Mr. Pires updated on the prepmac lawsuit. Mr. Pires responded to the request for  
30 production and gave them a bunch of documents. Prepmac through their attorney filed  
31 amended answers to the prerogative and prepmac's attorneys scheduled and cancelled  
32 a deposition of Mr. Dorrill. He has not heard anything since the cancellation. Mr.  
33 McNamee asked how long they have to deal with this until they can get rid of the

1 lawsuit. Mr. Pires suggested having an individual conversation or one-on-one  
2 conversations.

3 He has finalized, revised, and updated the lawsuit regarding public records and just  
4 needs Mr. Dorrill's confirmation that they do not have all the records. Mr. Dorrill  
5 confirmed that they are missing public records. Mr. Pires said he will be filing that  
6 lawsuit this afternoon. He was able to access some of the emailed pst files from some  
7 of the 11 flash drives provided. He said what was interesting was that there were  
8 previous board member emails mixed in the files with emails from the current board  
9 members. When you open one of the folders there was about two months of the current  
10 board members and then the rest are from prior board members. Mr. Pires said he  
11 revised the lawsuit based off of his review of the emails received. Mr. McNamee said  
12 that one of the things also is text messages. When he requested text messages, he got  
13 pictures of a phone in return. He also said that at the last meeting he asked one of the  
14 board members if they had any public records that they turned over and they said no  
15 they had none. Mr. McNamee said that people think public records mean only emails  
16 but it really encompasses a huge amount of things. He said for someone to say in four  
17 years they did not produce any public records is incorrect. He asked if they should be  
18 holding them accountable as well. Mr. Pires said that is a separate matter to hold off on.

19 Mr. Pires talked to Ms. Hansen this morning. There is a slight edit to the graphic  
20 regarding the type of material that needed to be corrected. It will be sent back for Mr.  
21 McNamee's signature. The legislature now requires that when deeds are signed or any  
22 other instrument affecting an interest in real property an address be provided along with  
23 the witness who is signing. He will get Joe Levy's address and the other witness so they  
24 can hopefully move on from the swale issue.

25 Mr. McNamee asked if Mr. Pires' office turned in a bill for last month. He said they may  
26 have been behind because of the holidays. Mr. Dorrill said he received bills from Mr.  
27 Pires' office this week and will get them to Mr. McNamee for his review.

## 28 **ENGINEER'S REPORT**

29 No report was given.

1 **OLD BUSINESS**

2 **B. Mosquito Control Interlocal Agreement**

3 Filed annexation proposal for upcoming session of the legislature, they were not  
4 successful last year. In November the board had a presentation from the Executive  
5 Deputy Director of the Mosquito Control District. They have promised them an interim  
6 interlocal agreement fee proposal to have the community sprayed both aerial and  
7 ground level. Mr. Dorrill has been staying on top of them.

8 **NEW BUSINESS**

9 **A. Memorial Event**

10 Mr. Truckey said after the events that happened at the hotel he wanted to discuss as a  
11 community hosting an event March. He proposed something like a fishing derby in the  
12 morning with lunch, activities in the afternoon, and then finishing off with a band in the  
13 evening or late afternoon. This event could be in memory of Zack. If the community  
14 enjoys it, it could be continued as an annual event. Mr. Truckey has discussed this with  
15 other people in the community and it seems to have had a positive response. He asked  
16 the board and residents in the audience if this would be something that they were  
17 interested in. Tom, the owner of the hotel, says that he thinks that would be a great  
18 idea. He said after what happened many people came to help Tom, supporting him  
19 through volunteering to help him, and he wants to give back to the community and  
20 support hosting the event for free. Mr. McNamee said he thinks it is a great idea. Jill  
21 Lloyd said she thinks it would be a good idea to bring the community together after  
22 suffering the tragedy and collect donations if possible. It could be an annual event, if the  
23 family has a charity, it could be done in his name. Mr. McNamee said they should figure  
24 out how to get a suggestion chain going so that more input like that could be given. A  
25 resident asked if the board would recognize a committee to help plan this event outside  
26 of the board. Mr. Pires said a committee would have to be ad-hoc to be exempt from the  
27 Florida Sunshine Laws and the board can be a sponsor of the event and accept the  
28 donations. Mr. Truckey said he would like to be involved in the planning of this, as a  
29 resident not as a board representative, as it will take a team to get this together in the  
30 month of February to have the event in March before people start going home. Ms.  
31 Hansen suggested posting something on the website.

32 **B. Entry Wall**

33 Mr. McNamee asked if JC Sanchez would allow the board to do work on the wall on his  
34 property, the same as Mr. McNamee did on his property. Mr. Sanchez said he is not

1 necessarily opposed but would like more clarity. He said his situation has changed  
2 dramatically due to unforeseen circumstances. He said that if he remembers correctly  
3 four or five meetings ago the consensus was to remove the wall completely just short of  
4 palm trees. He said that the CID board was going to get an estimate to remove the walls  
5 completely. They had gotten three quotes for \$15,000 if Mr. McNamee remembers  
6 correctly. Mr. McNamee said that community members rallied instead to do some of the  
7 work themselves. They took out the vegetation that Soto is now managing monthly  
8 which costs about \$2,200 a side. Some more signage is going to put on it. They are  
9 trying to do minimal stuff like the flowers Soto put in and do as much volunteer work as  
10 possible for the rest to keep costs down. Mr. Sanchez said his decision has not been  
11 finalized but he is probably going to put the property up for sale. Unfortunately, his  
12 health condition is not going to allow him to continue forward with their plans unless,  
13 God-willing, something changes. In the meantime, anything he can contribute to help  
14 the community beautify the entrance he is in support of. Mr. McNamee asked if he  
15 would allow them to move forward with that. Mr. Sanchez said he is fine with that and  
16 asked for a heads-up so he can help volunteer if he is available. Mr. McNamee said the  
17 CID would like an opportunity to purchase the land from Mr. Sanchez if the community  
18 has an interest in it. He talked about potentially adding amenities like a clubhouse to the  
19 lot for the community to use. Mr. Sanchez said if it can't be in his and his wife's hands,  
20 he thinks it would be best in the CID's hands to make sure it is stewarded in the best  
21 way possible for the benefit of the community. Mr. McNamee offered to drive over to  
22 Miami to discuss the sale, if that would be best for Mr. Sanchez, and wished him  
23 success in his treatments. They hope to have a proposal for the sale to present at the  
24 next board meeting.

## 25 SUPERVISORS' REQUEST

### 26 A. Soto Update

27 Mr. Baird reported that Soto has been doing the normal maintenance in addition to  
28 activities alluded to by Mr. McNamee like the Cays Drive monument where they  
29 replaced the flowers. Mr. Baird made a motion to approve the following bills: estimate  
30 6145 for \$1,255, estimate 6146 for \$1,300 for work around light polls and stop signs,  
31 estimate 6173 for trimming the palms on the Union side \$550, estimate 6174 for \$3,100  
32 for trimming all the palm trees on both sides of Cays and Newport. **The payment of the**  
33 **bills from Soto was approved on a MOTION by Mr. Baird with a second by Mr.**  
34 **McNamee with all in favor.** Mr. McNamee added that they had to take out a tree at the  
35 beginning of Cays Drive and are going to be putting a flagpole with a light there.

1 **PUBLIC COMMENTS**

2 **A. Joyce Carlino - Peacock Lane**

3 Concerned at the mentions of having a community center because Orchid Cove has a  
4 community building that residents pay assessments on. She hopes Orchid Cove could  
5 be exempt from an assessment for another clubhouse that they do not need since they  
6 already have one.

7 **B. Glenn Peabody - Newport Drive**

8 Asked why the community must maintain their own roads. Mr. McNamee said it is  
9 because they own them. Mr. Peabody suggested giving them to the County and Mr.  
10 McNamee informed him that they have been working on doing that. Mr. Peabody said  
11 that it is outrageous that they must take care of the roads and Mr. McNamee and Ms.  
12 Hansen said that they agree and are working on it. Mr. Dorrill said that the County has  
13 not accepted residential streets since the mid 1980's. Their land development code and  
14 subdivision regulations require residential streets be owned by either a CDD, CID, or  
15 Master Homeowners Association. Mr. Dorrill said that they won't take them.

16 **C. Kathryn Kehlmeier**

17 Asked if anything has progressed in conversations that were had about entrance lights  
18 on Newport Drive for the monuments. Mr. McNamee said that unfortunately the  
19 electricity is provided by the hotel. He said awhile back the power supply got cut and the  
20 last he talked to Tom, there was an electrician that was supposed to take care of that.  
21 Mr. McNamee said that he will follow up with Tom about that after the meeting.

22 **D. Marybeth Stuart - Wilderness Cay**

23 Proposal regarding neighbor at 148 Wilderness Cay looking into a seawall. She would  
24 like to be informed because as a neighbor she is concerned about the impact on the rip  
25 rap and the natural environment in the area. Mr. McNamee said that they will be  
26 working directly with the board and that he will personally keep Ms. Stuart up to date on  
27 it.

28 **E. Patrick Hiltenbaker - Newport Drive**

29 Has a friend who lives out in Marco Island and there are almost no mosquitos out there.  
30 He does not know who sprays for them. Asked if anyone has asked for a quote from  
31 whoever services the Marco Island area to spray for the community. Mr. McNamee said  
32 that it is difficult to compare Marco to Port of the Islands since Port is in the Everglades.  
33 This is an ongoing issue and they are working on the interlocal agreement to implement

1 aerial spraying in addition to ground, which will hopefully help. He does not think they  
2 will be able to eradicate the issue completely.

3 **F. Unidentified**

4 The property when you come into Newport on the west side in the grassy area there is a  
5 big wooden wheel. She said it probably has tubing or electrical. Does not know whose  
6 property it is. Said that there is also a rubber tire in the grass, and someone is mowing  
7 around it. Mr. McNamee said that the CID owns a strip of grass between Newport Dr  
8 and the parking lot. He said if it is on the other side, it is Preppin's property. Mr.  
9 McNamee said that he has a skid steer and will go over and address it. He said now  
10 that they are doing Mr. Sanchez's property, they will make a pile of debris, add those  
11 items to it, and have a truck come out and pick it up. She said thank you.

12 **G. Steve Gunther - Peacock Lane**

13 Asked if he heard earlier in the meeting that they were going to meet with the County  
14 about taking over easement on 41 and they declined. Mr. Dorrill said that the staff has  
15 declined. He said there is an opportunity for a separate public petition that goes directly  
16 to the Board of County Commissioners. When Mr. Baird and Mr. Dorrill met with  
17 Commissioner LoCastro they indicated that they hoped to solve it at a staff level. They  
18 reserve the right to petition the County Commissioners. Mr. Dorrill said that he was  
19 going to give Mr. LoCastro the courtesy of trying to follow up. Mr. LoCastro understands  
20 that they may be headed back there for a formal public petition. Mr. Pires said that the  
21 public petition process is you send it in and sign a form designating who the speaker will  
22 be. The speaker gets 10 minutes at the beginning of the meeting. The Board does not  
23 decide right there but encourages staff to take another look at it. It is a question of how  
24 you frame the public petition. He said for a public petition it is always helpful to have a  
25 number of individuals in the audience, behaving appropriately, so the speaker can say  
26 that they are not only present on their behalf but on the behalf of the District and all the  
27 residents present. Mr. Gunther said to please let them know anything further about this  
28 in the future because he thinks that there are a number of residents who would like to  
29 participate in that. Mr. Dorrill clarified that they are talking about the landscape medians  
30 on US 41 that were constructed under a right of way permit that was issued by FDOT to  
31 the District. That 1,000 feet is the only portion of the US 41 medians that is not  
32 maintained by either the Board of County Commissioners or the City of Naples. The CID  
33 Board has been asking them for an exception. Mr. Dorrill said that I would be well  
34 advised if Commissioner LoCastro can't make something happen to pursue a public  
35 petition. Residents of the community were encouraged to attend the meeting at which



1 that would occur. The petition process takes place at the very beginning of the agenda  
2 of those meetings so attendees would not be stuck there all day.

3 Mr. Gunther complimented Mr. McNamee and the rest of the board saying that he knew  
4 they came in wanting change and the great job that they are doing is very evident.

#### 5 **H. Unidentified**

6 Said that she believes that a few years back the water treatment plant did the mosquito  
7 spraying and asked why that is not happening still. Mr. McNamee said he does not  
8 believe that was the case, they just stored the chemicals there. He said that is a whole  
9 different company and they do not have chemical applicators, licenses, and what not.  
10 She said back then there was a man from the water treatment plant, Mr. Clayton, and  
11 he used to do the mosquito spraying for the community. She is wondering why it is  
12 outsourced now. Mr. McNamee said he has talked to them, and they are not interested  
13 in doing it.

#### 14 **I. Tedi Graigo**

15 Retracted her previous comment regarding the hotel marina parking contract. She has  
16 been notified that Mr. Shucart had signed a contract with the marina regarding parking,  
17 not Tom. She asked if a copy of that contract was available. Mr. McNamee said that  
18 would have been with the previous owner of the hotel and would not still be in effect.  
19 She said she was notified that that is a forever contract. She asked if that contract was  
20 known and if they could get ahold of it. Mr. Pires said that if it is a private contract, they  
21 will not have it but if it is offsite parking and not parking on the property for which it is  
22 intended typically the County requires a parking arrangement that has to be approved  
23 by the County staff. He said there is a number of criteria and if they have that  
24 agreement, it would be found on the Collier City View portal. He said if he can get the  
25 address for that he should be able to find it. Mr. McNamee said that they will continue to  
26 work with Tom on this.

27 Ms. Graigo asked if there is a photo of what the CID Board controls as property on the  
28 website. Mr. McNamee clarified if she was asking about a site plan. Mr. Dorrill said he  
29 does not think so. There is a capital improvement plan on the website. Mr. McNamee  
30 said there is a site plan for the 300 acres they have and it is on there, it is very old.

1 **ADJOURNMENT**

2 The next meeting will be February 16, 2024, at 9:30 a.m. **On a MOTION by Ms.**

3 **Hansen and a second by Mr. Baird, with all in favor, the meeting was adjourned at**

4 **11:30 a.m.**