

1 **PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT**
2 **NAPLES, FLORIDA**
3 Regular Meeting of the Board of Supervisors
4 December 15, 2023

5 The regular meeting of the Port of the Islands Community Improvement District Board of
6 Supervisors was held on Friday, December 15, 2023, at 9:30 a.m. at the Orchid Cove
7 Clubhouse, 25005 Peacock Lane, Naples, Florida.

8 **SUPERVISORS PRESENT**

9 Steve McNamee, Chairman
10 Dan Truckey, Vice Chairman
11 Russell Kish, Supervisor
12 Kevin Baird, Supervisor
13 Anna-Lise Hansen, Supervisor, Via Zoom

14 **ALSO PRESENT**

15 Neil Dorrill, Manager, Dorrill Management Group
16 Kevin Carter, Manager, Dorrill Management Group
17 Tony Pires, District Counsel
18 Matt Gilbert, Florida Utility Solutions

19 **PLEDGE OF ALLEGIANCE**

20 The pledge of allegiance was recited in unison.

21 **ROLL CALL/APPROVAL OF AGENDA**

22 Four of the five Supervisors were present in person, establishing a quorum, with
23 Supervisor Hansen appearing via Zoom. The meeting was convened at 9:30 a.m. The
24 meeting was also properly noticed. The notice and affidavit are on file with the district
25 office at 5672 Strand Court, Naples, FL 34110.

26 **On a MOTION by Mr. Truckey and a second by Mr. Baird, Ms. Hansen's**
27 **participation by zoom was approved due to exceptional circumstances. On a**
28 **MOTION by Mr. McNamee and a second by Mr. Truckey the agenda was approved**
29 **as presented with Collier County Code Enforcement being moved to next month.**

1 **PUBLIC COMMENT**

2 **A. Collier County Code Enforcement**

3 This agenda item was moved to next month.

4 **B. Waterkeepers**

5 Licensed under International Waterkeeper Alliance. Goal is to protect quality water for
6 generations to come. Collier County chapter of the Water Keeper Alliance has been in
7 existence since 2018. Ray took over as the Executive Director of the group in May
8 2023. They are a build from ground up grassroots organization that reaches all area of
9 the County. They try to educate people on how water systems work and how it effects
10 everywhere from the Caloosahatchee to the Everglades. Strategy is to be collaborative.
11 Ray shared that he wants to get 1,000 people to donate \$5 a month to help them keep
12 the lights on and cover insurance costs. He said if they can get that many people on
13 board, if a conflict arises with County Commissioners they can get 200/300 people in
14 the chambers to show that water issues are important. Mr. McNamnee asked what can
15 be done to cooperate with the Waterkeepers. Ray said to go on their website
16 colliercountywaterkeeper.org and fill out the form to pay \$5 a month which helps them
17 keep the lights on and get the insurance paid. Mr. McNamee suggested the CID donate
18 \$100 and list Dorrill Management Group as the Port of the Islands contact for the
19 organization. Mr. Kish asked for clarification on what the organization does before
20 agreeing to the donation. He commented that Mr. Gilbert already does testing of the
21 water in the CID. Ray said one of the first things they would test for is fecal matter in the
22 water. Mr. Kish said that was already done in the CID. Ray said the biggest thing they
23 do is not testing or beach clean-up, it is to talk to citizens to inform them on what they
24 can do to change the things that they find unsatisfactory regarding water. Mr. Dorrill said
25 they are a conservation and advocacy group but approach issues from a scientific
26 basis. Mr. Pires said if the motion is approved to make the donation the Board has to
27 determine a valid public purpose in making a donation as money can only be spent for
28 public purposes. **Mr. Truckey made a MOTION to make an \$100 donation as the**
29 **Waterkeepers help with the sheet flow issue with a second by Mr. Baird will all in**
30 **favor.**

31 Melanie from the audience asked if the sheet flow issue is resolved what happens to the
32 Port. Mr. Truckey offered to stay after the meeting to explain everything he knows for
33 anyone who is interested.

34 **C. Other Public Comments**

35 Katherine Kehlmeir - Newport Dr - Has a page from a document from CC OR 49-05
36 page 1384. She only brought one copy because it is a 20 page document. She will give
37 a copy to Mr. Dorrill to distribute to Board. It lists a maintenance agreement and grant of
38 easement between the CID, the Sunset Cay Master association, and all of the 16 sub-
39 associations on the west side of Newport Drive. Page 2 paragraph 3 says the District is
40 responsible to provide mosquito spraying contingent on the annual appropriation of

1 funds by the District as required by Florida law. She would like to contend that because
2 of this agreement, the resident's driveways are covered under this and that the District
3 should be spraying their driveways, not just down Newport Drive. Mr. Kish said that he
4 used to spray the parking lot and he will talk to the person responsible for the work now
5 to make sure they do it. The Board was not aware it was no longer being done.

6 **APPROVAL OF MINUTES NOVEMBER 17, 2023**

7 Page 4 - The motion regarding banking should also include that the motion designated
8 Ms. Hansen and/or Mr. Kish to be the second signatory on the account. Mr. Kish
9 clarified that he would not like to be a signer. Ms. Hansen has already sent the bank all
10 her information to be able to be the signer on the account.

11
12 Mr. McNamee said the minutes look very good. **On a MOTION by Mr. Truckey and a**
13 **second by Mr. Baird the minutes were approved as amended with all in favor.**

14 **MANAGER'S REPORT**

15 **A. Website Conversion**

16 The website conversion is underway. There has been a little difficulty with GoDaddy to
17 make sure Mr. Dorrill's name is added on the account in order to give the new firm,
18 Exploritech, access to the site so they can give a fee proposal. This will be done before
19 the next meeting.

20 **B. Off-Site Water Main Relocation, Parcel 13**

21 Developer has been spoken to by Mr. Dorrill and Mr. Pires. They would like the Board to
22 defer any conversation regarding this until the next Board meeting so Lindsey Case can
23 be present to discuss the development. Mr. McNamee said that, as a head's up, what
24 he believes they are going to come back with is wanting to put all 109 residents on 50-
25 acres and knock any residents on the dorm property. Part of his issue with that is the
26 District has water lines on either side of that dorm property and the agreement was
27 going to be that they were going to move those over to union road and Mr. Case was
28 going to do that. Now if he isn't going to put homes on there, it wouldn't be a necessity
29 for him to move the lines and the District would lose that. Mr. McNamee said that is just
30 something to keep in mind and that Mr. Case cannot put 109 on there unless the Board
31 agrees to it. He can only put 100.

32 **C. Zoom Broadcast Meeting Proposal**

33 Mr. Pires would like to add standard language that says any documents produced are
34 public records under Florida law, and e-verify language. The proposal is in two parts.
35 The staff recommendation would be the \$1,000 per month option that includes both
36 mobilization and production during the meeting along with post production to get it
37 uploaded to the website. There is an alternative for \$600 but equipment has to be
38 provided. Mr. McNamee opened up discussion to the audience as he felt this decision
39 was too big for only the Board to make. Mr. Truckey said they started out looking for the

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1 equipment to do this work themselves without the \$1,000 cost. He said he does not
2 know if he can justify the \$1,000 cost per meeting, he thinks it can be done if the
3 equipment is purchased themselves. Mr. Kish agrees. Ms. Hansen said she agrees it is
4 expensive but asked who else is going to do it. Mr. Dorrill asked about item 4 which had
5 the \$100 per hour service and technical support fee. Mr. McNamnee asked if they
6 would agree to \$12,000 a year which could include more than one meeting a month. Mr.
7 Lee said yes. That is one option, the other is to buy their equipment from them for
8 \$4,000 and then pay \$600 a meeting for them to run it. Steve from the audience
9 commented that the Board members are donating their time to do all that they do, yes,
10 they get paid but it is a nominal fee for everything that they do. He asked the tech
11 company as residents in the community if they would also consider donating their time
12 to support the Board. He said that their fee is fair if they take their work to other
13 communities but if they are going to be working where they live, it is their community
14 and it would be great to help it out.

15 Mike King - Orchid Cove - Said that he would have agreed to this a couple of months
16 ago but now with the way the minutes are they read like a book; they are as if you were
17 at the meeting. He does not know if it is necessary to have both anymore. He said
18 applauds whoever is doing the minutes because they are phenomenal. Mr. McNamee
19 said on that note, for the past two years he has been going through all of the Port of the
20 Islands records, the meeting minutes and whatnot. He said when they started out, the
21 minutes were sometimes up to 50 pages long. He said when Mr. Teague came in, they
22 sometimes got notes instead of appropriate minutes which led to a loss of information
23 from that time because they did not have an accurate record in their minutes. Mr.
24 McNamee said that for him personally he likes having the audio/visual record and likes
25 to be able to go back and listen to the meeting. He said that reading words is not the
26 same as being able to see someone's face or hear the tone of their voice when
27 something was being discussed.

28 Katherine Kelmeir said that she has not watched online since COVID so she could be
29 wrong, but her impression is the people online have better audio quality than those
30 attending in person because Board members like Mr. Truckey or Attorney Pires are soft
31 spoken. She does not know if anyone in the back can actually hear what is being said.
32 She said she would like microphones in the room for the live audience to be able to
33 hear better. Mr. Truckey joked that he will work on speaking louder. An audience
34 member asked if other options have been looked into or bids received. Mr. McNamee
35 said they have looked into it and everywhere else is more expensive. Mr. Dorrill said his
36 client at Pelican Bay is paying more than what this proposal is. Mr. McNamee said that
37 technology is tricky and there are always issues and he is not sure who else would give
38 their time or have the capability to do this the way that Mr. Keyser can. Katherine
39 Oswald asked for clarification if there were only the options of \$12,000, \$600, or not at
40 all.

41 Mr. Lee clarified that should the Board decide to buy the equipment it will be sold for
42 exactly what was paid for it and not a penny more. Three meetings have been done and
43 he commended Orchid Cove for their great cooperation in hosting them. Mr. Lee comes

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1 the night before to set the equipment up. Mr. Lee said they appreciate the management
2 company, Orchid Cove, and this Board for allowing them to set up and fine tune the
3 technology and he understands whatever decision is made.

4 Carol Williams - Wilderness – Ms. Williams asked what kind of records of the meetings
5 need to be kept to legally comply when the CID has a meeting. Is the video required or
6 do there just need to be good minutes? Mr. Dorrill responded that this was intended to
7 be a community oriented, value added service in order to increase participation.

8 Mr. McNamee asked for a show of hands from the audience. Four hands were raised in
9 favor of the \$12,000 package. No hands were raised in favor of purchasing the
10 equipment and hiring the company to run it. No hands were raised for purchasing the
11 equipment and finding someone else to run it. Eight or nine hands were raised in favor
12 of no video services at all. He then asked if anyone is in favor of just having an audio,
13 call in. Most were in favor of the call in option, just trying to get zoom to work. Mr.
14 Truckey said he likes having the video. Ms. Hansen said she would like them to
15 reassess their price for further consideration.

16 Mr. McNamee said that previously he was recording the meetings for himself on his
17 iPad and could continue doing that and turning them over to Mr. Dorrill to then be public
18 records. An audience member asked how many people were currently participating via
19 video. Mr. Keyser said currently seven people were, it was eight earlier in the meeting.
20 He said eight is the average. Mr. Dorrill said there were almost 20 during the budget
21 deliberations.

22 Ron ____ - Cays Drive - clarified that part of the price is if something breaks it will be
23 the company's responsibility to replace it. Continued that this equipment is far better
24 than what was had in the past. Mr. Baird said that in the past it was impossible to see
25 what was going on, it was terrible video quality. He said he thinks it is important to have
26 something high quality like this. He made a point to consider that while only 8 or 20
27 people may be watching it live, more could be going back to watch the recording on
28 their own time. Mr. McNamee said that he does that a lot. He continued to note that the
29 CID is involved in some lawsuits currently so if they have a record like this it could be of
30 value when going into a litigation situation. Mr. Pires said there are pros and cons to
31 that. Generally he finds the verbatim transcripts like the County Commission or Planning
32 Commission have and their videos to be extremely helpful for reference and revisiting.

33 Mr. Kish clarified that if the equipment is purchased the \$600 fee includes Mr. Keyser
34 and Mr. Lee still setting up the equipment for the meeting. Mr. Lee said yes.

35 Mr. Truckey said the quality is great. His problem is that the Board members are paid
36 \$200 per meeting and in between meetings each member does days worth of work.
37 Just yesterday he had a five hour meeting with the engineers out in the field. He
38 continued, these people are people in the community that are going to come in and get
39 \$1000 a meeting to run the audio and video. He feels that since the Board members get
40 a fraction of that and put in a lot more time, as a community he thinks they could see a
41 better price especially from members of the community. Mr. Lee said that while he
42 understands and respects Mr. Truckey's perspective, they have been transparent and
43 clear about this operation as a business from day one and now being three meetings in

1 there was never previous discussion about not hiring local residents at a rate more than
2 Board members make. Mr. Lee suggested tabling the discussion and appointing
3 someone to negotiate costs with. If not, he genuinely thanked them for the opportunity.
4 Mr. Dorrill said there may be an opportunity to do cost sharing with the Lely Community
5 Development District as their audio system is always having issues and that could help
6 get the cost down. The Board requested the cost to be \$10,000 annually. Mr. Lee would
7 like to discuss the possibility of working with Lely with Mr. Dorrill before agreeing to
8 anything. Mr. Lee and Mr. Keyser agreed to do work at the next meeting while the
9 decision to hire them is continued until the next meeting.

10 **D. Utility Billing & Banking Updates**

11 There was no update on utility billing and the banking update was shared during the
12 approval of the minutes. There was an update on the utility rate analysis shared in the
13 financials section.

14 **E. Engineer of Record Updates/Wellfield Water Line Replacement**

15 The engineer that was shortlisted, Agnoli, Barber, and Brundage, has voluntarily
16 withdrawn their offer. This was because of some insurance rate concerns on their part
17 and copyright issues regarding public records as to who owns the intellectual property
18 on designs. Mr. Dorrill will have to restart the process of soliciting proposals from
19 professional engineers. There is one project that is urgent and that involves the further
20 engineering study or analysis to the damage that was done to the well water main. Mr.
21 Truckey has been working with staff on a FEMA claim to analyze the cost to repair the
22 concrete main at least 10 locations or to replace the almost two mile long main. A
23 separate proposal has been received from Johnson Engineering for this work. They had
24 responded to the prior RFP for engineering services but were past the deadline, so their
25 application was not accepted by Mr. Dorrill. Mr. Dorrill works with them with his other
26 clients and says they are a good firm.

27 Mr. Truckey shared about the meeting he had with Johnson Engineering yesterday. An
28 engineer came out and looked at the well road and discussed some of the options
29 available on how they can work with FEMA and get help paying for that work. The work
30 needs to be done relatively soon. Once FEMA goes through the application, the process
31 will slow down a bit but currently they are awaiting documentation from the District to
32 move any further. Mr. Truckey does not want to lose the chance for the grant, so this
33 engineering work needs to be done in a timely fashion. Mr. Truckey commented that the
34 engineers from Johnson were very nice, knowledgeable, and willing to work with the
35 District on this project. Mr. Truckey recommending moving forward and working with
36 them on this project. Mr. Truckey believes that their intention is to apply to the RFP
37 again and be timely with their proposal to be the District's engineering firm. Mr. Truckey
38 said he highly recommends moving forward with them for this project at this time. Mr.
39 McNamee said it was necessary to as the project is looking to be a million and a half
40 dollar project. Mr. Kish asked if this project has to be put out for bid. Mr. Pires chimed in
41 saying he had discussions with Mr. Dorrill about that and it is characterized as a
42 planning or _____ activity and the cost is under \$35,000 so the competitive solicitation

1 requirements do not come into play. He continued that he has also known Johnson
2 Engineering for years and has had them work with other Districts he also represents, he
3 said they have been around for a long time.

4 No bids are required for this particular scope of work. Limited to this task only on a time
5 and materials basis the estimate is \$15,000 with an amount not to exceed \$25,000. This
6 is to put together an analysis on the repair costs vs. new cost on the pipe. FEMA in
7 order to move forwards needs to know if the repair cost is over a certain percentage, if
8 so, they'll work with the District to replace it at new cost. If it doesn't that is up to FEMA.
9 FEMA right now is picking up another percentage. Normally on a project like this they
10 would pick up 75% and the District would cover the remaining 25%. Because of the
11 damages in the community from the hurricane they are willing to pick up 100% of the
12 cost. Mr. Truckey said this is not a guaranteed FEMA grant but is hoping to move
13 forward with this and get it. He said you don't know until the day they pay for it if you get
14 the grant. **On a MOTION by Mr. Truckey and a second by Mr. Kish, with all in favor,**
15 **the Chairman was authorized to sign the proposal with Johnson Engineering,**
16 **including minor edits by Mr. Pires for legal sufficiency regarding e-verify and**
17 **public records.**

18 A resident, Terry, asked if you can get reimbursed from FEMA after doing the work or if
19 you have to wait to get the grant money to do the work. Mr. Dorrill said typically you
20 should wait to receive the grant money before doing the work to see if the work will
21 qualify and be awarded the grant. She also shared that she is on the fire board for Port
22 of the Islands and they just found out about the leaks in the pipe and are very
23 concerned.

24 **FINANCIALS**

25 The financials were presented as of the first month of the new fiscal year. Almost \$4.3
26 million in cash. Total assets in the District including the value of the utility system and
27 other infrastructure is \$15,531,000. The total current assets less depreciation is right at
28 \$13 million. There were \$160,000 in payables on the liability side at the end of the first
29 month. On the income statement there was \$15,500 in interest in one month.
30 Additionally there were almost \$22,000 received in non-ad-valorem assessments. Some
31 people's mortgages require them to escrow taxes and insurance and banks will prepay
32 quarterly in anticipation of those expenses which is how tax money was received in
33 October despite the bill not going out until November. Mr. Dorrill stated that the District's
34 cash position remains very strong and the budget is tight and good. Mr. Dorrill offered
35 an update on the utility rate analysis. Mr. Weyer's firm does not have the capacity to do
36 the work as shared at last month's meeting so Mr. Dorrill reached out to another firm,
37 Retallis. They have been Collier County's Utility Rate Consultant for over 25 years. He
38 is awaiting their proposal and is going to solicit a backup proposal from the Florida Rural
39 Water Association. They are a cooperative of communities and interests like the CID's
40 who own small, sub-regional type systems. As part of the workplan, this work was
41 committed to be underway in the first quarter of the new year in order to coincide with
42 the budget process. With that being said, Mr. Dorrill is proceeding in two avenues to get

1 a consultant to do the rate analysis to evaluate the utility ERC matter. Mr. McNamee
2 shared with the audience that the full agenda package that the Board is referring to
3 during the meeting is available on the website. Mr. Dorrill commented that there are
4 almost always additional handouts given to the Board at the meetings that were
5 received after the packet was put together. A resident in the audience asked if those
6 handouts will also be uploaded to the website. Mr. Dorrill said that is not currently part of
7 the process. **On a MOTION by _____ and a second by _____ the financials**
8 **were unanimously accepted.**

Commented [MR1]: From my viewing no motion was entertained to approve the financials

9 UTILITY OPERATIONS

10 Mr. Gilbert shared that everything is running well at the wastewater plant. All
11 requirements are being met at the water plant. The Board is aware of the issues with
12 the reuse station on the canal. Mr. Gilbert had a generator company come out and they
13 said there is no saving the generator that is on the canal. Mr. Gilbert said if they need to
14 they can run one of the temporary generators over. He said if there is a failure at the
15 plant it will call them so there is not currently a risk unless all the power went out and
16 the generator at the plant fell. The wastewater treatment plant did 2.6 million gallons of
17 water. 3.2 million gallons on the water end and almost 9 million in reuse. 980 gallons of
18 chlorine was used. They did have a call out to a pump station on Cays Drive. Somehow
19 someone flushed a washcloth that made its way to the pump, but it thankfully did not
20 damage the pump, they just pulled it out. Mr. McNamee asked how big of a job it is to
21 pull out the pump when that happens. Mr. Gilbert said a truck with a crane pulls it out.
22 Money wise it is a 4-6 hour process to pull it out, unclog it, put it back in, and test it.
23 All the parts that were approved to purchase for the wastewater plant at the October
24 meeting in conjunction with the permit renewal were received except for one of the
25 floating aerators. Mr. Gilbert said it should arrive any day now and will be installed in
26 January. Mr. McNamee asked how the roof is doing above the water tank. Mr. Gilbert
27 said it is not in great condition, but it is ok. Mr. Truckey asked about the iron in the
28 water. Mr. Gilbert said he has gotten this question many times over the years. The
29 irrigation water is reuse but it is an incredibly small percentage of reuse. It is 2-10%
30 reuse and all reuse water before used for irrigation has to meet secondary drinking
31 water standards. 90% of the water that is sent out for irrigation is just raw ground water
32 pumped straight out of the ground. There is no economical way of removing that. Mr.
33 McNamee commented. Mr. Gilbert agreed with that statement and continued that his
34 only recommendation is to have your lawn people set the irrigation up where it does not
35 spray your house or driveway. Mr. McNamee asked Mr. Dorrill to post product
36 recommendations on the website that remove those stains and are compatible with the
37 water (not a toxic product).

38 ATTORNEY'S REPORT

39 Mr. Pires shared that in regard to the continued litigation regarding Prepmac, a
40 deposition of Mr. Dorrill as the corporate representative for the District was scheduled to
41 be done. Two days before the deposition they received an email from the Attorney for

1 Prepmac asking if the necessary documentation had been provided before taking the
2 deposition. They responded yes and referred them to the email that was sent with the
3 information on December 1st. Shortly after that they got an email saying that the
4 deposition needed to be rescheduled. This is the second or third time it has been
5 rescheduled.

6 With regards to the share file with about 52 terabytes of public records from Premier
7 District Management, the files were finally able to be accessed. The process has started
8 to go through them and search for emails from general public, not just Board members,
9 to verify everything has been turned over. Mr. Pires shared that part of the test will be to
10 cross reference the records of emails that Mr. Pires office had in correspondence with
11 Premier District Management with what was on the file to make sure they are all
12 accounted for. If the emails are not in there, Premier District Management will be
13 contacted one last time to turn over all records they have before a lawsuit is filed. Mr.
14 Pires said that he believes he has the authorization from the Board to file the lawsuit
15 before the next Board meeting if it is determined that all public records have not been
16 turned over. Mr. McNamee confirmed he does have the authorization.

17 Mr. Pires said he thinks he will have meetings with Mr. McNamee and Mr. Dorrill
18 regarding the number of utility ERCs possessed by the marina. He has gone back and
19 looked at the site development plan approval and the letter that Cal Teague sent. Mr.
20 Pires and Mr. McNamee discussed yesterday taking the approach of gathering all of the
21 different documents and sorting through them together along with Mr. Dorrill to come up
22 with a memorandum to present to the Board with their recommendations. Mr. Pires
23 shared that he has also been talking with Ms. Hansen about various issues regarding
24 Collier County. Mr. McNamee asked the past Board president who was in the audience,
25 Terry, if she had any physical records turned over to Mr. Teague when her term was
26 done. She shared that she never received any physical records from anybody during
27 her four years on the Board.

28 **ENGINEER'S REPORT**

29 No report was given.

30 **OLD BUSINESS**

31 **A. Entrance Wall Demolition**

32 Item 10 from last month. Mr. Dorrill asked if there was any further information on the
33 demolition of the entry walls on the two commercial properties. Mr. Baird had submitted
34 some proposals last month to have the demolitions performed. Mr. Dorrill asked if there
35 was anything new that staff needed to be made aware of. Mr. Baird said he was waiting
36 on a survey from Mr. Pires. Mr. Pires said the walls are outside any easement area for
37 and landscaping that the District has. They are significant segments that are not within
38 any District easement for a wall, fence, or landscape buffer. Mr. Pires will email the
39 survey to the Board members. Mr. Baird suggested tabling this item again as they are

1 still waiting on a response from JC. Mr. McNamee said that JC is ill so it will be difficult
2 contacting him at this time.

3 **B. Drainage Swale Maintenance**

4 Mr. Dorrill asked Ms. Hansen about the roadside swale maintenance that she was
5 working on. Ms. Hansen shared that the swales were done and will probably be
6 tweaked. She said she will know after the next rain. She's sure they are not perfect but
7 assured that Soto will come back and tweak them in whatever way they need to be
8 tweaked. She thinks there are still a few high spots, but they are not certain. Mr.
9 McNamee said as soon as there is a good rain he will go around and take videos of all
10 the swales so Soto can determine where those high spots are.

11 Ms. Hansen said she also needs to get with Mr. Gilbert to move some of the flush
12 valves into the swale on Venus because they are currently in the middle of the property
13 along with a couple of others. She continued that one is over on one of the roads off of
14 Newport where it needs to be closer to the rip rap than it is. There are three that need to
15 be changed which she will address with Mr. Gilbert after the New Year.

16
17 Mr. Dorrill said it is his understanding that the sidewalk pressure cleaning has been
18 complete. Mr. Baird confirmed that it was finished and that they did a good job.

19

20 **C. Mosquito Control Cost Proposal**

21 Mr. Dorrill said they are still waiting on a proposal from the executive director of the
22 mosquito control district.

23 **SUPERVISORS' REQUESTS AND/OR COMMENTS**

24 **A. Meeting with Commissioner LoCastro**

25 Mr. Dorrill asked Mr. Baird to give an update of their meeting they had last week with
26 the Chairman of the County Commission, Commissioner LoCastro. They had discussed
27 U.S. 41 Median Landscaping, asking the County to assume maintenance.

28 Commissioner LoCastro is going to look into it. They talked about boat trailer storage
29 and the concern about parking in the grass on the Newport Drive side of the marina.

30 Commissioner LoCastro is also looking into that. They discussed a utility billing
31 interlocal agreement with a higher level or service if they use who Collier County uses
32 and he is also looking into that. They are not just waiting for a response. Mr. Dorrill
33 added that on the boat trailer storage, they also asked him to have his staff do some
34 research. They enclosed the south end of their parking lot with a chain-link fence and a
35 gate and there have been some concerns in the community that it was not properly
36 approved or permitted. The Boat trailer storage issue has two components to it.

37 Commissioner LoCastro asked Mr. Dorrill to memorialize their meeting with him
38 because he is meeting this week with senior management at the County and would get
39 back to Mr. Dorrill and Mr. Baird after the holidays. Mr. Dorrill sent him an email to
40 memorialize the topics and issues they discussed as soon as the meeting was done.

1 **PUBLIC COMMENT**

2 Steve Gunther - Peacock Lane - Asked Mr. Baird why they did not discuss road
3 maintenance with Commissioner LoCastro as they pay the same amount of taxes as the
4 rest of Collier County and would like to see work being done with that. Mr. Dorrill said
5 that the County's land development code requires the platting and subdivision of
6 residential communities either through a master homeowners or single family or
7 condominium association or a government district to be the party ultimately responsible
8 for those. There are rare exceptions to that like Naples Park or Victoria Park in Naples
9 because those communities precede the point and time that they had subdivision
10 regulations. In the 70s in particular areas like Pine Ridge or Victoria park would come in
11 to plat their community and the County Commission would require that they be built to
12 their standards. The County Commission would then accept them for perpetual
13 ownership and maintenance. All of that concluded in the 1980s when they adopted their
14 first subdivision regulations. Mr. Dorrill said they have indicated to them that one of their
15 interests would be long term for the County to consider acquiring the utility system here.
16 Then the District would take the proceeds from the sale and bring all of the roads here,
17 the residential streets, up to a standard where the County would consider taking them at
18 that point. Mr. Dorrill said that was sort of the third item that they alluded to. He knows
19 that Senior Utility Staff would covet the 1000 customer base in the District. The County's
20 long range master plan has them building some sort of regional water and wastewater
21 treatment facility at what is Six L's farms. Portions of that are in the urban area and that
22 is going to be an opportunity to build one of these community villages similar to Ave
23 Maria. Mr. Dorrill continued, the County is headed out the east trail and the fact that the
24 utility plant here, for the most part, has been well maintained and operated and the
25 customer base that comes with 1,000 customers is enticing to them. Mr. Dorrill said he
26 thinks they are interested and Commissioner LoCastro seems to be. Mr. Gunther
27 thanked Mr. Dorrill for the information and asked as an example if Fiddlers Creek
28 operates their own road maintenance. Mr. Dorrill said Fiddlers Creek is post land
29 development code, so they own and operate the residential streets through their CDD.

30
31 Kathy Oswald - Sunset Cay - East side where the Marina is, there was a huge mound.
32 Doesn't know if that was addressed. Mound was taken out; the critters are gone and it
33 looks beautiful. She wants to thank whoever did the work.

34
35 Diane Fisher - Newport Drive - Building at the entrance. Letters gone back and forth
36 regarding zoning. Area cannot have live in housing for employees, but it can be used for
37 multifamily dwellings like a condo. Mr. McNamee met with Tom, the owner of the hotel
38 about that, and expressed to him the community would be very unhappy if a
39 condominium went up there. Asked if he would be interested in selling the property to
40 the CID. He wanted a lot of money for it at that time but Mr. McNamee does not think it
41 is out of the realm of possibilities.

42

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1 There are 18 trailers in the hotel parking lot. Tom did not know whose trailer those were.
2 Starting in January he is going to make a concerted effort to hire a company to tow
3 those trailers out of there. Mr. McNamee went back through the documents from when
4 the CID purchased a boat slip at the marina and it says for parking for the marina
5 people can park in the hotel parking lot on the north side of the building or on the west
6 side but it is on a first come first serve basis. Tom was not under the impression that
7 that was a thing. Tom is going to start issuing passes so any car or trailer without a pass
8 will be towed.

9 The County has sent their code enforcement people out. Carol Williams has been
10 working with them on that. Mr. McNamee assured them that this stuff is going to be
11 addressed. Mr. Dorrill said that the Chief Code Enforcement officer is going to be at the
12 January meeting to talk specifically about code enforcement matters in this community
13 in general but specifically regarding boat trailer storage.

14 Carol Williams - Wilderness – Stated that code enforcement is really important to the
15 community. Ms. Williams said that she would like Mr. Dorrill's company to be the
16 complainant. She said it has to be a person who is the complainant not a company or
17 an HOA and you have to give them your email and phone number. Don Joseph from
18 Collier County Code Enforcement has been assigned to the CID. Ms. Williams went on
19 their portal and filled out a complaint about the marina. Mr. Joseph came out and they
20 looked at the trash, at the huge dumpster. He is taking care of that. She said she does
21 not want to be the complainant; she does not want it to be neighbor against neighbor.
22 Mr. Joseph suggested having it be someone from the management company. Mr. Dorrill
23 said that property managers are there to enforce deed restrictions not to file complaints.
24 He said not doing the complaints follows the state statute governing CDD's. Mr. Dorrill
25 said he is not going to sign an affidavit and a complaint against someone in the CID that
26 is not his business.

27 Mr. Joseph is scheduled to be here next month, and Mr. Dorrill thinks the question to
28 ask would be what sort of routine enforcement he is doing. He said code enforcement
29 was in another community he manages two weeks ago. The community had paid a guy
30 to paint the street sign poles and a code enforcement officer stopped the guy and asked
31 to see the license of the man hired to paint the streetlight poles. Mr. Dorrill said he
32 thinks this is a conversation that is better to have next month when Mr. Joseph is at the
33 meeting. Asking what he does by way of patrolling and enforcing. Mr. Dorrill said he is
34 not interested in signing affidavits involving complaints for things that he does not have
35 any personal knowledge of. Ms. Williams asked Mr. Dorrill if he really considers that an
36 affidavit. He said yes, in order for them to have a complaint to investigate you have to
37 go to the portal on their website and fill it out and by giving them your name as the
38 complainant you are attesting to the fact that you have personal knowledge of that
39 complaint. Mr. McNamee asked Mr. Pires to give his legal opinion on this.

40 Mr. Pires said that the District Manager has the roles, duties, and functions to operate,
41 maintain, and secure District assets and facilities. To the extent that something occurs
42 or is taking place that adversely effects or has an impact on the system, facility, or
43 operation of a District facility then it is properly within the realm of the District through its

1 District Manager to take necessary steps with appropriate authorities. If you have a
2 boat, or trailer, or vehicle that is encroaching into a District right of way, easement,
3 facility, structure, property or impacting any of the above then it is appropriate for the
4 District to get involved with Code Enforcement. Otherwise his opinion is no because
5 then you would be spending public funds for primarily private purpose. He continued;
6 the Florida Constitution says governmental bodies can spend funds for primarily public
7 purposes with an incidental private benefit. Mr. Dorrill said they did tell the
8 Commissioner last week that in the case of boat trailer storage that is either adjacent to
9 their road right of way or in the road right of way that he was prepared to file complaints
10 on behalf of the District for Code violations. He said this to affirm what Mr. Pires was
11 just saying.

12 The District needs to have an interest in the issue opposed to just anything within the
13 code like noise, unleashed dogs, permits, or other activities that you may be having
14 within your private residence that is in violation with the County's ordinances. Mr.
15 McNamee summarized that it is the District Attorney's opinion that the CID does not get
16 involved with what is happening on an individual's private property, only what happens
17 on CID facilities, easements, or ownership. Ms. Williams said that she went on the
18 POICID website and it lists statutes 189 and 190 that say that the CID can be the
19 complainant. She said that they used to pay an employee from Premier District
20 Management \$1,000-\$2,000 a month to drive around the District and find issues to
21 submit complaints about. She told Mr. Dorrill to pay someone from his company to drive
22 around, find code enforcement issues, and report them to Don Joseph to be the
23 investigator.

24 Mr. Pires clarified that not all aspects of chapter 189 apply to CIDs. Each section has to
25 be read because some will say these do not apply to CIDs. Some of chapter 189 apply
26 to dependent Districts. He said that its charter is chapter 190. In looking at 190 right
27 now, Mr. Pires does not see the language that says they have the power to engage in
28 code enforcement. Mr. McNamee said he read chapter 190 himself after speaking to
29 Ms. Williams previously and was cloudy on it. Ms. Williams directed Mr. Pires to go
30 down to 190 012.4. Mr. Pires said that does not apply, it is very specific and 4 is about
31 enforcement of deed restrictions and you have to go through all the steps, that is not
32 code enforcement. Ms. Williams said when she reads under D which would be 190.012
33 under 4D it says "The owners of property located outside the boundary of the district
34 shall elect an advisor to the district board pursuant to paragraph (e). The sole
35 responsibilities of the district board advisor are to review enforcement actions proposed
36 by the district board against properties located outside the district and make
37 recommendations relating to those proposed actions." Mr. Pires said that this is under
38 the section about deed restrictions, not having to do with code enforcement.

39 Ms. Williams said that she is asking the Board to ask the management company to have
40 an employee be the complainant. She said that she has talked to other CIDs and they
41 say the management company is responsible to help you manage your property, it
42 shouldn't be neighbor against neighbor. She said if there is not a Board member who
43 wants to be the complainant then she is asking the management company to have an

1 employee be the complainant, but it has to be an individual from the company with a
2 name and a phone number. Mr. Dorrill restated that he thinks the better approach is to
3 wait until next month to ask Mr. Joseph how they, as part of their duties and
4 responsibilities, patrol and enforce the codes during the course of their normal business
5 in addition to complaints that may be filed. Ms. Williams said that Mr. Joseph cannot
6 help them with trailers, and boats, and things that make the community unattractive
7 without a complaint.

8
9 Joel Levy - Winward Cay - Asked if they are allowed to have a committee of residents
10 that can report to someone who can then make the complaint on their behalf. The issue
11 is that a lot of neighbors do not want to be the one to complain about their neighbors in
12 fear of hurt feelings. Mr. Pires said the same perimeters apply regarding private vs.
13 public property. Mr. Pires opinion is that if it is not on District interest property, the
14 District has no role in calling in code enforcement complaints.

15
16 Mr. Steve Gunther said a roofing project is going to begin at the beginning of the year
17 which will result in loss of parking at the Orchid Cove Clubhouse building for the next 3-
18 4 months. He wanted to give everyone a heads up that spots will be limited.

19
20 Mr. McNamee said the boat parade was postponed until next Wednesday.

21
22 Mr. McNamee brought up rtreet resurfacing. He said he would like to start looking at
23 resurfacing 1-2 streets a year. \$200,000 a year is being brought in in revenue. He would
24 like to use some of that on road improvements. He believes the worst part of the road is
25 on Newport Drive especially the south side. An example of starting the work would be
26 doing Newport Drive going south resurfacing in the summer. Then, the following
27 summer, do the other side dependent on cost. Mr. Dorrill said that at Pelican
28 Marsh/Tiburon the engineer does a survey and makes a priority list of roads to be
29 resurfaced. Mr. Dorrill made a note that the ability to do that needs to be a part of the
30 RFP process. Mr. Truckey asked if an interlocal agreement with the County would be
31 possible. Mr. Dorrill said that is a great idea. Mr. Dorrill did a tag on as part of the bank
32 services agreement and would think that the CID would be eligible if they have annual
33 bids for milling and laying of hot asphalt the CID can see if they can get that same
34 pricing on a unit price basis. Mr. Dorrill will explore that. Mr. McNamee would like to
35 start that early summer when traffic is low. Mr. Dorrill said it needs to try to be done in
36 the late summer/early spring before the rainy season. Mr. Truckey said the road at
37 Stella Maris North does not look as good as it should because the rain kept washing it
38 out as they were laying it down. Mr. Kish asked Mr. Dorrill if he has an idea of cost for
39 this work. Mr. Dorrill said they do it on a linear foot basis depending on what the
40 standard depth of the milling is. He said typically it would be milled down an inch or two,
41 recycled, and then have virgin asphalt added to it. Mr. Dorrill said he would share more
42 spec pricing information next month and share what they are doing at Pelican Marsh
43 regarding price. Mr. Dorrill said the Oak Trees that are interfering with the roads will be

1 taken care of. They will go into the lime rock base, and chop out the roots The roots
2 ultimately grow back but that is all part of the scope of services and specification.

3
4 An unidentified audience member asked if it would be possible for Newport Drive to get
5 an expanded drive or sidewalk to be able to walk.

6

7 **ADJOURNMENT**

8 The next meeting will be January 19, 2024, at 9:30 a.m. **On a MOTION by Mr. Baird**
9 **and a second by Ms. Hansen, with all in favor, the meeting was adjourned at 11:25**
10 **a.m.**