

1       **PORT OF THE ISLANDS COMMUNITY IMPROVEMENT DISTRICT**  
2                               **NAPLES, FLORIDA**  
3                       Regular Meeting of the Board of Supervisors  
4                               August 16, 2024

5       The regular meeting of the Port of the Islands Community Improvement District Board of  
6       Supervisors was held on Friday, August 16, 2024, at 9:30 a.m. at the Orchid Cove  
7       Clubhouse, 25005 Peacock Lane, Naples, Florida.

8       **SUPERVISORS PRESENT**

9       Steve McNamee, Chairman, Via Zoom

10      Dan Truckey, Vice Chairman

11      Russell Kish, Supervisor

12      Kevin Baird, Supervisor (left the meeting at 11:17 a.m.)

13      Anne-Lise Hansen, Via Zoom (joined the meeting at 10:05 a.m.)

14      **ALSO PRESENT**

15      Neil Dorrill, Manager, Dorrill Management Group

16      Kevin Carter, Manager, Dorrill Management Group

17      Tony Pires, District Counsel, Via Zoom

18      Lenore Brakefield, Assistant District Counsel

19      Matt Gilinsky, Florida Utility Solutions

20      **ROLL CALL/APPROVAL OF AGENDA**

21      Three supervisors were present in person, establishing a quorum. Mr. McNamee  
22      participated via Zoom. The meeting was convened at 9:30 a.m. The meeting was also  
23      properly noticed. The notice and affidavit are on file with the District Office at 5672  
24      Strand Court, Naples, FL 34110.

25      **Mr. McNamee's full participation via Zoom due to exceptional circumstances and**  
26      **the agenda was approved as presented on a MOTION by Mr. McNamee, a second**  
27      **by Mr. Truckey, and all in favor.**

28      Ms. Hansen joined the meeting via Zoom at approximately 10:05 a.m.

1 Mr. Baird left the meeting at 11:17 a.m.

2 **PUBLIC COMMENT**

3 **A. Charles Gordon - Peacock Lane**

4 Mr. Gordon commented on the inclusion of Orchid Cove Lake Bank Mowing on the  
5 agenda and felt like Orchid Cove was being singled out. He stated that the area being  
6 too wet for mowing was discussed last month and asked why the area along 41 where  
7 the bushes are was not on the agenda when it too needs to be mowed. Mr. McNamee  
8 said Robert Soto is going to be out Monday morning to mow the CID property in  
9 question. Mr. McNamee said he also mowed that area two or three weeks ago and a  
10 third of it was standing water and he was still able to mow it with his small lawn mower.  
11 Mr. McNamee said they are not picking on Orchid Cove. Mr. Dorrill said Orchid Cove  
12 did mow the area in question and it is only on the agenda to reflect that information in  
13 the minutes as a follow-up from last month. Steve Gunther noted that area is mowed  
14 periodically. He shared that it was mowed three weeks ago and is scheduled to be  
15 mowed again. Mr. Gunther explained that the mowing service is an additional cost to  
16 Orchid Cove, so they are being wise with how often it is done, it has been done three or  
17 four times this summer.

18 Mr. Gordon asked why engineering and legal costs no longer seem to be a concern,  
19 despite still appearing high. Mr. McNamee responded that engineering costs have  
20 decreased substantially and many of the costs will be covered by grants. Mr. Truckey  
21 explained that the two lawsuits currently being worked through were open before the  
22 current Board was elected, and once they are resolved, legal costs should improve.

23 **B. Curtis Moldenhauer - President at the Marina**

24 Thanked the Board for what they have done in trying to be fiscally responsible. Shared  
25 that they have a dredging committee at Marina and would like to collaborate with Board  
26 on the dredging down south.

27 **C. Frank Lee - Villages of Stella Maris**

28 Thanked Dorrill Management Group for a timely response to communication from him.  
29 Shared that tomorrow at 11 a.m. there is a community get together at White Horse Key.

30 **D. Joel Levy - Winward Cay**

31 Mr. Levy shared that he was a resident that used to raise concerns about the  
32 engineering and legal fees that Mr. Gordon mentioned. He said that he is no longer

1 concerned because the engineering fees because he sees is for work that is legitimately  
2 going to be done and potentially reimbursed. Previously there was \$600,000 in the  
3 budget just for reports on irrigation and he found that concerning but that is no longer an  
4 issue.

#### 5 **APPROVAL OF THE MINUTES - JULY**

6 The July 19 minutes need to state that the public hearing on the budget and  
7 assessments was open by “name of manager, chairman, or motion of the Board.”  
8 Should also say the budget presentation was opened by Mr. Dorrill and notices were  
9 sent out and published in the newspaper as required by Florida statute. Also need to  
10 reference the hearing was closed before the motion to adopt the budget.

11 **Both sets of minutes were approved, July 19 as amended, July 25 as presented,**  
12 **on a MOTION by Mr. Kish, a second by Mr. Baird, and all in favor.**

#### 13 **UTILITY OPERATIONS - JULY 2024**

14 All wastewater and water distribution requirements were met. The reuse pump system  
15 for the plant is functioning well. The canal pump station is operating with two pumps.  
16 The wastewater facility processed 1.94 million gallons of wastewater, produced 2.66  
17 million gallons of drinking water, and distributed 6.23 million gallons of reuse water. It  
18 disposed of 28,000 gallons of sludge and used 500 gallons of chlorine. There were no  
19 water usage complaints. Work continues on the plant upgrades that were previously  
20 approved. A bad gasket on the RO system was repaired, all community hydrants were  
21 flushed, and a non-working hydrant was replaced. During the tropical storm, there was a  
22 loss of power, and the new generator did not initially activate. Although the transfer  
23 switch did switch on, a bird had built a nest on the voltage regulator, preventing it from  
24 ramping up. When power was restored, the transfer switch did not automatically switch  
25 back on, so this had to be done manually.

26 A resident asked for results from the testing done on the lead and copper levels. Mr.  
27 Gilinsky shared that all levels came back underneath the guidelines of what they are  
28 supposed to be. The utility staff is still waiting on the disc filter for replacement, Mr.  
29 Gilinsky will ask Mr. Gilbert if he knows when it is coming in.

1 **MANAGERS REPORT**

2 **E. Easement Use Agreement, 140 Wilderness Cay**

3 Concerning the prospective new home at 140 Wilderness Cay, there were a number of  
4 encroachments on both the rear and side yard easements. All issues have been  
5 resolved, including those involving the outdoor condenser and AC units. The only  
6 remaining aspect of the license agreement is to construct marine lumber crossovers  
7 over the swale, which have consistently been allowed in the community, and potential  
8 lighting. Ms. Hansen does not think a gate, or a fence is appropriate for this easement,  
9 and Mr. Truckey and Mr. McNamee agreed. The only considerations are pathway  
10 lighting and the bridge. Mr. Kish pointed out that the setbacks listed on the site plan as  
11 7.5 feet need to be changed to 10 feet.

12 **The easement use agreement subject to Ms. Hansens suggested changes was**  
13 **authorized on a MOTION by Ms. Hansen, a second by Mr. Truckey, and all in**  
14 **favor.**

15 **F. Easement Use Agreement, SFWMD**

16 The license and use agreement for the property with SFWMD pertains to the Picayune  
17 Strand manatee protection mitigation feature. Just south of the main boat basin in the  
18 community, there is a series of uplands that may have been cleared in the past. The  
19 meandering tidal creek in that area has previously been approved, and the district plans  
20 to undertake work involving a large amount of rip rap and geotextile fabric to stabilize  
21 some of the shorelines. This area is intended for warm water habitation during cold  
22 outbreaks in winter when water is not spilling over the weir. SFWMD has proposed  
23 bringing a construction field office/trailer into the community, along with a diesel  
24 generator for electricity. Mr. Dorrill is not inclined to recommend this due to its proximity  
25 to adjacent condominium communities. He suggested that if the Board is open to the  
26 proposal, they should request the installation of a temporary circuit breaker panel and  
27 construction meter, but he would not support the use of a diesel generator. Mr. Truckey  
28 would like to see the projected project timeline and is concerned about the seawall. Mr.  
29 Dorrill will shared that the Board is inclined to consider the request but will ask for  
30 additional information, including a better definition of the final phase of the project. He  
31 will express concerns about diesel generators and suggest considering in-kind services  
32 as part of the agreement. Mr. Pires suggested asking for a staging site plan, including  
33 where the rip rap will be stored, the number of vehicles, and which part of the site they  
34 intend to utilize.

1 **G. Orchid Cove Lake Bank Mowing**

2 Addressed during public comments.

3 **H. Landscape Improvement Budgets**

4 Mr. Dorrill and Mr. Carter have been working with Mr. Baird on this project. Mr. Dorrill  
5 provided concept sketches and a preliminary estimate of the probable cost for new entry  
6 landscaping at three locations: Newport Drive, Cays Drive, and Union Road. Mr. Baird  
7 met with the landscape architect, and sketches for these entrances were provided. We  
8 are still waiting for the Union Road sketch and its estimated cost.

9 The material list cost, including contingency, is currently \$93,000. The product cost for  
10 the proposed main entry is \$77,550, with main elements including 8 specimen coconut  
11 palms, 2 specimen reclinata palms at \$7,000 each, and 14 total sabal palms, which  
12 make up a little less than half of the total material cost. The remainder is allocated for  
13 shrubs and grasses both on the streetscape and in the gatehouse median. An additional  
14 \$4,000 is allocated for native grass on the adjacent masonry concrete walls, \$5,000 for  
15 mulch, \$5,000 for irrigation, and \$2,000 for the removal of existing material, bringing the  
16 total project cost to \$84,550. Adding a 10% contingency of \$8,400 brings the total to  
17 \$93,000 for Newport Drive.

18 The cost for Cays Drive is similar, with \$32,700 for products, \$5,000 for irrigation, \$500  
19 for removal, and \$3,800 for contingency, totaling an additional \$42,000, or \$130,000 in  
20 total for the main entry and Cays Drive. Union Road is expected to be similar to Cays  
21 Drive.

22 Mr. Kish asked if the possibility of gating these entrances should be discussed at this  
23 time, Mr. Truckey said yes. Mr. Dorrill noted that since these roads are owned by the  
24 District, they are eligible for gating to perform access control. Mr. McNamee mentioned  
25 that a gated community with a kiosk might exceed the budget. Mr. Dorrill will explore the  
26 option of an unmanned kiosk.

27 Community volunteers are desired to assist Mr. Baird with this process. A notice will be  
28 posted on the website with a link to the concept sketches. Residents interested in  
29 serving on a temporary ad hoc committee should contact the District Manager so Mr.  
30 Baird can schedule onsite meetings once the final cost for Union Road and preliminary  
31 estimates for individual kiosk security systems are available. An update will be provided  
32 to the Board later in the fall.

1 Mr. McNamee inquired about an unpaid hotel bill and asked legal counsel what steps  
2 can be taken, such as filing a lien or adding it to the tax assessment. There is also an  
3 unrelated repair bill for a main service line, just over \$2,000, which has been invoiced  
4 but remains unpaid. Mr. Pires suggested issuing a final demand and, depending on the  
5 circumstances, exploring whether a lien can be filed. If there is no response within the  
6 21-day timeframe, a small claims action might be necessary. Mr. McNamee also asked  
7 if shutting off the water could be considered as an initial step. Mr. Dorrill plans to  
8 research the adopted administrative rules to determine if other utility charges can be  
9 treated similarly to unpaid utility bills. Mr. Pires will work with Mr. Dorrill on this matter,  
10 and if they conclude that a lien can be filed or that water services can be terminated  
11 based on the required notice, they will advise accordingly. Mr. Pires noted that they will  
12 be cost-sensitive regarding this issue.

13 Ms. Hansen was not able to provide an update on the seawall, as she has not heard  
14 back from the county representative. She may need to contact a different code  
15 enforcement employee for an update. Mr. Curtis mentioned that the county approved  
16 the work Tom did on the seawall. He shared that the area rewashed out again, was  
17 covered with additional material, filled with dirt, and the county has approved it once  
18 more based on what he has gathered.

## 19 **FINANCIALS - JUNE 2024**

20 As of June 30, representing the end of the third quarter, the combined cash position  
21 was \$4,300,000, with an overall cash position of \$4.5 million and total current assets of  
22 \$4,788,000. There were \$89,000 in payables. Both the general fund and utility fund  
23 have seen substantial receipts from non-ad-valorem assessments, totaling \$170,000 in  
24 delinquent assessments received. Revenues are at 96% of the fully budgeted amount  
25 for the year, with the difference attributable to tax collector fees and early payment  
26 discounts. \$19,000 was received in interest earnings.

27 Engineering expenses are over budget year-to-date, largely due to expenditures on the  
28 utility rate analysis project. Out of the \$45,000 budgeted for this line item, about \$17,000  
29 was spent on the utility rate analysis and updates to the capital improvement plan.  
30 Generator maintenance for the water and sewer account is slightly over budget for the  
31 year, with repairs occurring in the first quarter, but the total remains under budget for  
32 that line item. Utility billing is slightly over budget year-to-date, with \$30,000 spent out of  
33 a \$34,000 budget, which includes special mailings.

1 Overall, as the District moves into the fourth quarter, cash remains strong, with  
2 combined spending across both accounts \$230,000 under budget. Of the \$350,000  
3 allocated for capital outlay, only \$100,000 has been expended but Mr. Dorrill still  
4 anticipates ending the fiscal year under budget.

## 5 **ATTORNEY'S REPORT**

### 6 **A. Parcel 13 Update**

7 Mr. Pires shared a memorandum regarding documents resubmitted to his office on  
8 August 6. These documents include revised plans and plats from the developer,  
9 responding to comments made by Collier County and potentially by the District in July.  
10 The District has 60 days to approve or disapprove the proposed plans, with the review  
11 period extending to October 5. Mr. Pires recommended that the Board not approve the  
12 resubmitted plans and plats. He suggested that the Board send a letter today indicating  
13 that it does not approve the plats and plans for Parcel 13 as submitted in June and  
14 resubmitted on August 6, while reserving the right to provide additional comments  
15 before the extended review deadline of October 5.

16 **The resubmitted plans and plat were disapproved on a MOTION by Mr. McNamee,**  
17 **second Ms. Hansen, and all in favor.**

### 18 **B. POICID/Southern Exposure License Agreement**

19 Mr. Pires asked if there is a specific spot on the seawall, he should designate for people  
20 tying up. Mr. Truckey suggested the area closer to the highway rather than near the  
21 condos. Mr. Pires said it may also be useful to put in that the District can terminate this  
22 license agreement upon SFWMD using the property to prevent conflicts.

23 **Mr. McNamee made a MOTION to approve the license agreement with these two**  
24 **changes, with a second by Ms. Hansen and all in favor.**

25 Ms. Brakefield updated on the litigation case with Prep Mac and Alligator Boys. Mr.  
26 Dorrill's deposition was taken in March, but the plaintiff's counsel terminated it and has  
27 now filed a motion to reschedule. Efforts are underway to coordinate new dates and  
28 clarify additional topics. Mr. McNamee asked Mr. Prephan if mediation could be  
29 considered, as this is a five-year case that needs resolution. The Board agreed with this  
30 approach. Ms. Brakefield mentioned that a closed-door meeting with the Board to  
31 discuss settlement and strategy is the next step and should be scheduled for the next  
32 Board meeting, either before or after. Mr. McNamee inquired if this step was necessary

1 or if the cost could be avoided. Mr. Pires said pursuing mediation without the preliminary  
2 closed-door session is doable and will be followed. The Board was in agreement.

3 Regarding the lawsuit against Premier District Management and Calvin Teague, there  
4 has been considerable activity in the past two weeks. A motion for an accelerated  
5 hearing has been filed, scheduled for September 27. On August 8, a response to the  
6 request for production was received, along with a large number of documents. Mr.  
7 Dorrill and Mr. Carter have begun reviewing these documents. Ms. Brakefield's office  
8 received a second set of documents yesterday but was unable to open the link; they are  
9 working to resolve this issue. Mr. Carter reviewed the first set and found no new  
10 information, only what was received previously. The second set has not yet been  
11 reviewed. A deposition is scheduled for October, which will be crucial for questioning  
12 about the specific missing documents.

### 13 **ENGINEER'S REPORT**

14 No engineering report was given at this time.

### 15 **OLD BUSINESS**

16 No old business was discussed.

### 17 **NEW BUSINESS**

18 No new business was discussed.

### 19 **SUPERVISORS REQUESTS**

#### 20 **A. SCADA**

21 FEMA turned down the SCADA system on grant. Mr. Truckey is sending them pictures  
22 and it is under consideration again.

#### 23 **B. Wellfield Road/Well Heads**

24 Permitting is underway with the State and DEP. Engineering is being done to raise all of  
25 the well heads and submerge the pump on the third well. Generator trailers are nearing  
26 acquisition through a grant, with the potential to secure four trailers in total if the two  
27 additional ones are funded. Each generator trailer is valued at about \$80,000 under the  
28 grant. Mr. McNamee inquired about storage options for these trailers above the  
29 floodplain. Mr. Truckey noted that storing them at the Lely location, as previously



1 discussed, is included in the grant proposal. If a suitable storage site within the District  
2 becomes available, the trailers can be moved there.

3 **C. No Fishing Signs**

4 Mr. Kish inquired about the missing "No Fishing" signs on the bridge. He noted that the  
5 signs were previously in place but are now gone, and he is unsure if they were a state  
6 issue. Mr. Dorrill responded that they have a local district office, and if the signs were  
7 removed by them, a request can be made to have them put back up.

8 **D. Hotel Light**

9 Mr. Kish noted that the light on top of the hotel has been out, making it look abandoned.  
10 He asked if it could be repaired. Mr. Truckey has the hotel's maintenance contact  
11 information and will provide it to Mr. Carter to see if the issue can be resolved.

12 **E. Old Hotel Property**

13 Mr. McNamee asked if there were any advancements in negotiations with the County on  
14 getting the old hotel property. Mr. Dorrill will ask the Deputy County Manager at a  
15 County Budget Hearing before the next board meeting.

16 Mr. McNamee noted a hole in the street by marina. He said if it is still there when he  
17 gets back, he will buy a couple of bags of hot asphalt and fill it himself.

18 **PUBLIC COMMENTS**

19 A resident with a nine-year law enforcement security background shared input on  
20 discussion of putting in gates. He said regarding property value, gates do not offer a  
21 good return other than being able to say it is a gated community. He said that license  
22 plate recognition cameras with integration into the Sheriff's 911 Dispatch Center and  
23 signage stating there are cameras is the way to go. Mr. McNamee asked him to  
24 volunteer in assisting the Board with this.

25 Steve Gunther – Mr. Gunther shared that there was an accident at the intersection of  
26 Union Road and 41. A westbound vehicle went off the road, knocking down a stop sign  
27 and a sprinkler controller. The concrete post that the sprinkler controller was mounted  
28 on is still lying in the grass.

29 For future concerns about mowing the lake, Mr. Gunther requested to be contacted  
30 directly instead of initially discussing it at the CID meeting. He also wants to ensure that  
31 Orchid Cove is included in discussions regarding entrance enhancements.

1 **ADJOURNMENT**

- 2 The next meeting will be on September 20, 2024, at 9:30 a.m. **On a MOTION by Mr.**  
3 **Kish and a second by Ms. Hansen, with all in favor, the meeting was adjourned at**  
4 **11:38 a.m.**