

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

3 Regular Meeting of the Board of Supervisors

4 April 18, 2025

5 The regular meeting of the Port of the Islands Community Improvement District Board of
6 Supervisors was held on Friday, April 18, 2025, at 9:30 a.m. at the Orchid Cove
7 Clubhouse, 25005 Peacock Lane, Naples, Florida.

8 **SUPERVISORS PRESENT**

9 Dan Truckey, Vice Chairman

10 Russell Kish, Supervisor

11 Kevin Baird, Supervisor

12 Anna-Lise Hansen, Supervisor

13 **ALSO PRESENT**

14 Neil Dorrill, Manager, Dorrill Management Group

15 Zachary Lombardo, District Counsel

16 Matt Gilinsky, Florida Utility Solutions

17 **PLEDGE OF ALLEGIANCE**

18 The pledge of allegiance was recited in unison.

19 **ROLL CALL/APPROVAL OF AGENDA**

20 Four Supervisors were present in person, establishing a quorum. The meeting was
21 convened at 9:30 a.m. The meeting was also properly noticed. The notice and affidavit
22 are on file with the District Office at 5672 Strand Court, Naples, FL 34110.

23 Mr. Lombardo added the following items to the Attorney's Report: the PDM lawsuit
24 settlement, the Easement Use Agreement, the SWFMD easement, and documents
25 related to the potential acquisition of the southeast commercial parcel.

26 **The agenda was approved as amended on a MOTION by Mr. Truckey, a second by**
27 **Mr. Baird, all in favor.**

1 **PUBLIC COMMENTS**

2 **A. Letter from Property Owner, Timothy Estock**

3 Mr. Estock requested an explanation of the property purchasing policies. Mr. Dorrill
4 responded that Mr. Lombardo would address the topic during his report.

5 **APPROVAL OF MINUTES - MARCH 2025**

6 Two sets of minutes were presented for the Board to review.

7 **The regular minutes were approved as presented on a MOTION by Mr. Truckey, a**
8 **second by Ms. Hansen, and all in favor.**

9 **The executive session meeting minutes were accepted as presented on a**
10 **MOTION by Mr. Baird, a second by Mr. Kish, and all in favor.**

11 **UTILITY OPERATIONS REPORT - MARCH 2025**

12 Mr. Gilinsky presented the Utility Operations Report. He stated that all operations were
13 conducted in compliance with contractual obligations and regulatory requirements. In
14 March, the wastewater treatment plant received 2.5 million gallons of water, produced 4
15 million gallons, and distributed 9.4 million gallons of reuse water. Additionally, 60,000
16 gallons of sludge were disposed of. All auto flushers were tested, with adjustments
17 made as needed. Two meters were re-read. A total of 954 gallons of chlorine was used.
18 Weekly inspections were performed on all pump stations, along with regular odor and
19 wet well checks. The concrete path for the filter structure at the plant was poured, and
20 construction of the structure is scheduled to begin shortly, with a completion deadline of
21 May 15.

22 **MANAGER'S REPORT**

23 **A. Mosquito Control Update, Kiera Lucas**

24 Kiera Lucas from the Mosquito Control District provided an update, noting that no
25 treatments have been performed yet as there has been no increase in mosquito
26 populations to date. She proposed residual barrier treatments for the District, which
27 would be funded through existing tax dollars. Residents would have the option to opt out
28 if they do not want chemicals applied around their homes. Ideally, the treatments would
29 begin within the next four weeks.

1 Dr. Lucas emphasized that there is no risk to pets or people as long as the product label
2 is followed and residents wait for the treatment to dry before entering treated areas. The
3 Mosquito Control District will handle notification, including when treatments are
4 scheduled and when it is safe to be outside again.

5 Kathryn Kehlmeier inquired about how condominiums would be handled—whether
6 decisions would be made at the association level or individually. Dr. Lucas explained
7 that barrier treatments are not typically done, Keewaydin is the only other area being
8 offered treatment due to its proximity to the water. Therefore there is no established
9 precedent for handling condominiums. It was decided that decisions regarding whether
10 condominiums will opt out will be made at the board level. If any condominium residents
11 express concerns, Mr. Dorrill believes the entire association may be opted out of
12 treatment.

13 Deborah Jansen asked how the treatment would be applied. Dr. Lucas responded that it
14 would be applied using a backpack sprayer. The treatment is effective against
15 mosquitoes and other insects. Once the material dries, it is not expected to negatively
16 impact pollinators. The Mosquito Control District will avoid spraying flowering plants and
17 will focus on areas with high mosquito activity.

18 Patrick Linn, Executive Director of the Mosquito Control District, assured attendees that
19 the district takes an integrated approach to mosquito management. He emphasized the
20 district's strong commitment to protecting the environment, with public health being their
21 top priority and reason for existing. He noted that Port of the Islands is located in a
22 swampy area that produces trillions of mosquitoes, making treatment essential for
23 comfort and safety. Mr. Linn confirmed that all previous participants in the Keewaydin
24 study requested treatment again this year.

25 Mr. Dorrill will post a special notice on the website regarding the barrier treatment as
26 soon as the Mosquito Control District provides the opt-out procedure.

27 **B. Supplemental Agreement, DEP Permit Renewal**

28 Mr. Dorrill reported that he is engaged in ongoing discussions with a sub-consultant
29 working under the District Engineer to renew the utility plant's operating permit. Two
30 extensions have been filed on the current permit to maintain compliance while awaiting
31 the arrival of the disc filters. A request for an additional \$8,600 in costs has been
32 submitted; however, this amount is an estimate. Mr. Dorrill has requested further detail
33 to confirm the validity of the proposed costs.

1 Mr. Truckey added that they are working with the same consultant to conduct ground
2 testing for lead and arsenic. He noted that the consultant had requested several
3 meetings, which he has denied, believing they are unnecessary given the
4 straightforward nature of the work and in order to avoid incurring unnecessary
5 expenses. Mr. Dorrill agreed with this assessment.

6 **FINANCIALS - FEBRUARY 2025**

7 Mr. Dorrill presented the five-month financials. He noted that the tentative FY 2026
8 budget will be discussed at next month's budget workshop, along with the mid-year
9 actuals. The tentative budget is being prepared with the assumption of transitioning the
10 utility rate structure to a base charge model, replacing the current non-ad-valorem
11 subsidy.

12 As of the end of February, the District had \$5.4 million in cash, with \$3.9 million in the
13 General Fund and \$1.4 million in the Utility Fund. The District also holds \$13 million in
14 fixed assets, with a net value of \$7.8 million after depreciation. Payables totaled
15 \$59,000, and \$41,000 was received in non-ad-valorem assessment revenue.
16 Approximately 77% of anticipated assessment revenue has been received. Mr. Dorrill
17 noted that the hotel assessment has likely not yet been paid and is expected to be
18 received after the property goes through the public tax auction.

19 The General Fund is currently \$200,000 under budget, with no landscaping
20 improvements yet initiated from a capital improvement standpoint. On the utility side,
21 the District is over budget year-to-date on engineering fees, which includes costs
22 related to re-permitting the utility plant. There is also a slight overage from streaming
23 costs for Zoom meetings, as those were not accounted for in the budget.

24 Mr. Truckey added that some of the higher engineering costs are related to FEMA grant
25 applications. Additional engineering work is required to move forward with bidding on
26 system upgrades. This work may help secure a \$1.2 million grant for the wellhead
27 project.

28 **The financials were accepted as presented on a MOTION by Mr. Truckey, a**
29 **second by Mr. Kish, and all in favor.**

1 **ATTORNEY'S REPORT**

2 **A. Proposed Settlement Agreement - PDM**

3 Mr. Lombardo presented the proposed settlement agreement in the lawsuit against the
4 former management company and manager regarding public records compliance.
5 Under the terms of the agreement, the District would receive a payment of \$22,500. The
6 agreement includes a representation that all existing records have been produced. In
7 exchange for this representation and the payment, the District would release both the
8 former manager and management company from further claims, and the agreement
9 includes a non-disparagement and neutral reference clause concerning both parties.

10 Mr. Lombardo noted that the primary objectives in a public records lawsuit are to
11 recover the records and secure reimbursement for attorney's fees, and he believes this
12 agreement accomplishes both goals.

13 **Mr. Truckey made a MOTION to accept the settlement agreement of \$22,500, with**
14 **a second by Mr. Baird, and all in favor.**

15 **B. Easement Use Agreement**

16 Mr. Lombardo presented an easement use agreement for Case Phase 2, which involves
17 the location of certain stormwater facilities. The engineer has redrawn Exhibit A, which
18 is crucial for the County's approval in the SDPI process. The attached exhibit is being
19 updated to reflect the engineer's proposed changes.

20 **The easement use agreement approved on a MOTION by Ms. Hansen, a second**
21 **by Mr. Truckey, and all in favor.**

22 **Mr. Dorrill was authorized to sign the affidavit of authorization for insubstantial**
23 **change on a MOTION by Ms. Hansen, a second by Mr. Kish, and all in favor.**

24 **C. SFWMD**

25 The South Florida Water Management District had two additional comments regarding
26 the contract. On page 2, the earlier version referred to a non-exclusive easement, but
27 after discussions at the last meeting and an agreement that it is now exclusive, the
28 language there needs to be updated to reflect exclusivity. Additionally, there were edits
29 on page 5 to refine the language regarding how notices are to be delivered.

30 **The edits were approved on a MOTION by Mr. Truckey, a second by Ms. Hansen,**
31 **and all in favor.**

1 **D. Commercial Property Sale**

2 Mr. Lombardo shared an update from the previous meeting regarding the potential
3 acquisition of the southeast commercial property. A letter outlining this potential option
4 was included in the packet. As discussed earlier, Mr. Lombardo's firm continues to have
5 ethical concerns about this transaction. While these concerns are not insurmountable,
6 they make the process more complex than typical property transactions. This is
7 because the property is owned by an LLC, which in turn is owned by Mr. McNamee, a
8 board member.

9 Mr. Lombardo has identified an appraiser, Mr. Jonas, whose role would be to confirm
10 that the property aligns with the District's goals and to provide an appraisal to support a
11 potential offer. The goal is to ensure that the acquisition meets the criteria for the sole-
12 source exception to the ethics laws, which allows property to be purchased from a
13 board member only if it is the only available option for the District's needs. The
14 resolution presented to the board initiates this process, highlighting the property's
15 desirable features and the need for a third-party appraisal.

16 Mr. Estock inquired whether the District's charter allows for the purchase of real estate.
17 Mr. Lombardo responded that Florida Statute 190.011 authorizes the District to
18 purchase and sell real estate. Mr. Estock then asked if a public hearing would be
19 required since tax dollars which are assessed primarily for the purpose of managing
20 district infrastructure would be used to purchase the property. Mr. Lombardo clarified
21 that as long as the purchase serves a valid District purpose, the revenue can be used
22 accordingly. He proposed a multi-meeting approach to allow further discussion and
23 provide residents an opportunity to offer input. He also noted that the District has the
24 ability to amend its budget throughout the year, and the acquisition would qualify for a
25 budget amendment due to its size.

26 Mr. Gunther expressed concerns about potential conflicts of interest and the ethics of
27 purchasing property from a board member. While he emphasized his support for the
28 board's work, he questioned whether property acquisition should be the board's focus.
29 Mr. Lombardo agreed that there are ethical considerations under Chapter 112 of the
30 Florida Statutes, which is why it is necessary to conduct a thorough analysis to
31 determine if this is truly a sole-source acquisition. The primary exposure concerns Mr.
32 McNamee, as the individual engaging in the transaction. Mr. Lombardo emphasized that
33 no transaction should move forward without an official opinion from the Florida
34 Commission on Ethics confirming there is no conflict of interest.

1 Mr. Lombardo referenced multiple ethics opinions from governments that have
2 purchased real estate from board members, each of which involved a comprehensive
3 analysis to confirm that the property was the only viable option under the
4 circumstances. Ms. Hansen noted that one of the board's primary interests in the
5 property is controlling its future use. Mr. Gunther responded that as the current owner,
6 Mr. McNamee, a resident, has the ability to control who he sells it to.

7 Mr. Thormann from Orchid Cove conducted a hand-raising vote to gauge resident
8 opinions on the purchase. Of those present, 11 residents opposed the purchase, while 7
9 supported it. Mr. Estock, with his professional background in commercial real estate,
10 expressed a desire to see studies on the demographics and potential uses for the
11 commercial property before making a decision.

12 The resolution presented by Mr. Lombardo authorizes him to request an ethics opinion,
13 moving the process forward to address the outstanding concerns. **Mr. Truckey made a**
14 **MOTION to approve the resolution.** Mr. Kish asked whether the District, as a county
15 entity, could pursue a rezoning from C-4 to residential at a discounted rate. Mr.
16 Lombardo does not know of any discounts and explained that the primary reason
17 rezoning is costly is because it requires a detailed argument from planners and
18 engineers to justify the change. **Mr. Baird seconded the MOTION, and all were in**
19 **favor.**

20 **Mr. Truckey made a MOTION to approve the appraisal engagement letter with a**
21 **second by Ms. Hansen, and all in favor.**

22 E. Lindsay Case Update

23 Mr. Lombardo emailed counsel for Mr. Case after the last board meeting, offering to
24 discuss a potential proposal that might come back to the Board. The response was that
25 they would reply within the agreed timeframe.

26 Mr. Truckey clarified what would happen if Mr. Case fails to make a timely payment. He
27 would still own the property, but the ERCs currently reserved for it would no longer
28 apply. Mr. Case is paying his operations and maintenance assessments. Mr. Truckey
29 noted that the contract had provided a special arrangement regarding ERCs, but if the
30 contract is terminated, the property would fall under the standard 4 per acre rate that
31 applies to the rest of the community. This change would likely result in an increase to
32 about 200 ERCs. Mr. Lombardo will review this provision further.

1 **ENGINEER'S REPORT**

2 No report was given at this time.

3 **OLD BUSINESS**

4 **A. Landscaping Highway**

5 Mr. Truckey shared his observation while driving down Davis Boulevard in Naples,
6 noting that the medians are being expanded, new medians are being added, and
7 landscaping is being improved. He expressed concern that similar improvements are
8 not being made in Port of the Islands. He noted that officials often claim there is no
9 funding available for projects in Port of the Islands, which he finds frustrating.

10 Mr. Dorrill responded that while this may be the County's position, they often rely on the
11 Urban Area Master Plan to justify where improvements are made. However, he noted
12 that exceptions to the plan do exist, and there is a process to petition the County
13 Commission for reconsideration.

14 Mr. Truckey agreed, stating that engaging with the Board of County Commissioners
15 would be time well spent. He added that the community lacks amenities, such as a
16 playground or bocce ball court, and suggested that the previously discussed lot would
17 be an ideal location for such improvements. He noted that the site is separated from
18 residential areas, reducing the impact of noise and activity. If the Board supports
19 moving in this direction, he would like to seek County funding for the project. Mr.
20 Truckey emphasized that Port of the Islands does not receive its fair share of services
21 or improvements in return for the taxes residents contribute.

22 Mr. Lombardo shared a related example from a community in the Everglades, which
23 successfully partnered with Naples Botanical Garden. That community was able to
24 secure a grant from the Collier Community Foundation to landscape medians. Although
25 that community is outside the County's jurisdiction, the Botanical Garden provided
26 support by identifying salt-tolerant, low-maintenance plants and designing a large-scale
27 landscape plan.

28 Mr. Lombardo stated that he would assist the Board in getting in contact with the Naples
29 Botanical Garden, while encouraging the Board to simultaneously pursue engagement
30 with the County Commission. He noted that the Botanical Garden may be willing to
31 support the project and could potentially assist in advocating for it before the

1 Commission, as they are interested in participating in these types of community
2 improvement efforts.

3 **NEW BUSINESS**

4 No new business was presented at this time.

5 **SUPERVISORS' REQUEST**

6 Mr. Truckey expressed concern about traffic control on the state highway near Port of
7 the Islands. He noted that what is intended to be a merge lane is frequently used as a
8 passing lane, which he believes is a serious safety hazard and "an accident waiting to
9 happen." He suggested that the Board should contact the state to discuss potential
10 changes, such as re-marking the merge lane or adjusting the speed limit, to improve
11 traffic safety in the area. Mr. Dorrill said he will speak with the District Engineer, Mr.
12 Brown, about how best to engage with the FDOT regarding these concerns.

13 Mr. Dorrill also provided a brief update on a topic from the previous meeting regarding
14 the installation of a speed trailer on Cays Drive. He said he will follow up with Mr. Carter
15 for a status update. Mr. Carter was absent from the meeting due to attending a grant
16 meeting.

17 Mr. Kish requested that Mr. Dorrill obtain sewage pump-out records from the Marina.
18 The dockmaster was present at the meeting and indicated he has five years' worth of
19 records available quarterly and will give Mr. Kish what he needs. Mr. Kish said he is
20 interested in reviewing the pump-out rates to better understand the situation. The
21 dockmaster added that while odor might be present, it does not necessarily mean waste
22 is being discharged overboard from a boat.

23 **PUBLIC COMMENTS**

24 A resident asked for clarification on how information from the Mosquito Control District
25 would be distributed, noting that they are enrolled in electronic notifications for utility
26 billing. Mr. Dorrill responded that the notice, along with a link to the Mosquito Control
27 District website, will be posted on the District's website. The resident also requested a
28 copy of the Capital Improvement Plan, and Mr. Dorrill confirmed that it is available on
29 the website as well.

30 Resident Mr. Ramos asked whether the hotel is current on its utility bills. Mr. Dorrill
31 explained that there is a disputed potable water bill, and that the hotel condominium
32 currently has an outstanding balance of approximately \$2,300.

1 Bernie Peterson, of Newport Drive, raised concerns regarding the District's landscaping
2 expenses and future land acquisition. He noted that the District spends \$29,000
3 annually on landscaping and questioned why the Board is discussing the potential
4 purchase of additional land—which would also require maintenance—while considering
5 relinquishing existing landscaped areas that are highly visible when entering the
6 community.

7 Mr. Dorrill clarified that the goal is not to remove the landscaping but rather to transfer
8 maintenance responsibility back to the County. He explained that under the current
9 permit, the District must either maintain the area or remove the landscaping altogether.
10 Mr. Peterson responded that removing the landscaping would negatively impact the
11 appearance of the community. Mr. Baird further clarified that the County has stipulated it
12 will only take over the property if it is returned to its original condition—sod only, with the
13 exception of trees. He emphasized that no changes will occur unless the County agrees
14 to take the area back, in which case it would be restored to sod.

15 Mr. Peterson expressed his opposition to removing the landscaping, and Mr. Dorrill
16 acknowledged that the County has so far shown no interest in reassuming maintenance
17 responsibilities for the area.

18 Kathryn Kehlmeier added that residents were appreciative when the landscaping was
19 first installed and do not want to see it removed.

20 **ADJOURNMENT**

21 The next meeting will be on May 16, 2025, at 9:30 a.m. **On a MOTION by Ms. Hansen**
22 **and a second by Mr. Baird, with all in favor, the meeting was adjourned at 12:10**
23 **a.m.**