

**MINUTES OF MEETING  
NAPLES RESERVE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Naples Reserve Community Development District held a Regular Meeting on June 2, 2021 at 10:30 a.m., at the Naples Elks lodge 2010, 11250 Tamiami Trail E. #A1, Naples, Florida 34113.

**Present at the meeting were:**

Thomas Marquardt	Chair
Deborah Lee Godfrey	Assistant Secretary
Charlene Hill	Assistant Secretary

**Also present, were:**

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Daniel Rom	Wrathell, Hunt and Associates, LLC (WHA)
Greg Urbancic	District Counsel
Terry Cole	District Engineer
Randy Sparrazza	Resident/HOA President

**Other residents present, were:**

Heidi McIntyre	Laurie Sandler	Leo Desjardins	Rick Nathanson
Joel Fernandez	Jodi Fernandez	Michael Davis	Barbara Davis
Judy Zak Vittitoe	Mark Schwartz, M.D.		

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 10:30 a.m. Supervisors Marquardt, Godfrey and Hill were present, in person. Supervisor Inez was not present. One seat was vacant.

Ms. Cerbone discussed the public comments protocol, noted there will be two opportunities to speak during the meeting, and explained that the Board and Staff may decide whether to respond to questions or comments during the meeting but are not required to respond. Her business cards were available at the sign-in table; residents were instructed to

email or call her with any questions or concerns, and to visit the CDD website where most documents associated with the agenda or about the District are located.

**SECOND ORDER OF BUSINESS**

**Public Comments**

No members of the public spoke.

**THIRD ORDER OF BUSINESS**

**Chairman's Opening Remarks**

Mr. Marquardt reported the following updates:

1. Boat Dock Requests: Mr. Doug Franklin was the first recipient of the Agreement executed by the CDD granting an easement to build a dock on his waterfront property, which would require HOA approval before the permit request is submitted to the County and then later recorded with the County. A \$250 application fee and \$69.50 recording fee must be submitted to the CDD to ensure that the cost are not subsidized by the District or its residents. Two other requests were pending.

2. Generator Requests: The same form was distributed and would be used to grant an easement to a homeowner to install a generator on the CDD's easement. This matter was deferred until later in the meeting, as Mr. Sparrazza noted research indicated the easements remain with the HOA, not the CDD. He would confirm the information once again, as his recommendation was not to grant an easement.

A Board Member asked if a form is needed for the existing dock at Half Moon Point. Mr. Urbancic preferred for the homeowner to execute the form but, as the homeowner might decline the CDD's request, Mr. Urbancic and Mr. Cole would be given the addresses and research whether the Developer recorded a form and report the findings at the next meeting, before sending a letter to the resident.

3. Fiscal Year 2022 Budget: Mr. Sparrazza was asked to provide the Fiscal Year 2021 annual cost to maintain the aerator pumps in the big lake and the location, as Mr. Marquardt was concerned the proposed Fiscal Year 2022 budget did not reflect maintenance for items being conveyed to the CDD on January 1, 2022. It was suggested that the HOA give the District its

forecasted maintenance costs on items being conveyed to the District, to determine a data point for future budgets to ensure assessments cover all CDD expenses.

**FOURTH ORDER OF BUSINESS**

**Consider Appointment to Fill Unexpired Term of Vacant Seat 5 (Term Expires November, 2022)**

**A. Administration of Oath of Office to Newly Appointed Supervisor (the following to be provided in a separate package)**

- I. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- II. Membership, Obligations and Responsibilities**
- III. Financial Disclosure Forms**
  - a. Form 1: Statement of Financial Interests**
  - b. Form 1X: Amendment to Form 1, Statement of Financial Interests**
  - c. Form 1F: Final Statement of Financial Interests**
- IV. Form 8B – Memorandum of Voting Conflict**

Mr. Marquardt noted that he advertised the vacant position on Facebook and would advertise it again. This item was deferred to the next meeting.

**B. Consideration of Resolution 2021-05, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Naples Reserve Community Development District, and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2021-05. Ms. Godfrey nominated the following slate of officers:

Chair	Tom Marquardt
Vice Chair	Charlene Hill
Secretary	Craig Wrathell
Assistant Secretary	Debbie Godfrey
Assistant Secretary	Greg Inez
Assistant Secretary	Vacant
Assistant Secretary	Cindy Cerbone

Treasurer

Craig Wrathell

Assistant Treasurer

Jeff Pinder

No other nominations were made.

**On MOTION by Ms. Hill and seconded by Mr. Marquardt, with all in favor, Resolution 2021-05, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Naples Reserve Community Development District, as nominated, and Providing for an Effective Date, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-07, Approving a Proposed Budget for Fiscal Year 2021/2022 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date**

The following items affecting the proposed Fiscal Year 2022 budget were discussed:

- The HOA informally implied that it would most likely terminate the Maintenance Agreement with the District and, due to the CDD’s budget constraints, the CDD asked for the turnover to go into effect January 1, 2022. This would allow Staff time to review historical documents and determine if any modifications to the scope of services are needed and present the findings.
- Ms. Cerbone would meet with the HOA Property Management firm later today to discuss engaging them as the CDD’s on-site Manager and to request a proposal to oversee maintenance of the CDD’s lakes, drainage and catch basins. She discussed several backup plans, if they decline.
- The recommendation was to set the highest possible budget today, to allow time between now and August, when the budget is adopted, for Staff to obtain accurate numbers, possibly reduce the budget or obtain documents to validate the budget increase.

Mr. Marquardt noted that the HOA engage contractors to perform normal maintenance; the District now must designate funds for erosion repairs and develop reserve funds, which will increase the budget.

Ms. Cerbone presented the proposed Fiscal Year 2022 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2021 budget, and explained the reasons for any modifications.

During discussion of working capital, Mr. Cole noted that the Builder needs to correct several point discharges before conveyance occurs. Mr. Sparrazza stated that the Builders were notified and already made some repairs. He would follow up with them on the status of the ones outstanding; none of the builders have left yet. Mr. Cole suggested Board authorization to inspect and confirm the repairs were done correctly before the Builders leave.

Discussion ensued regarding whether to increase the "Field operations" maintenance line items significantly, as a placeholder, as the costs to maintain and repair the aerator pumps, fountains, etc., were unknown, and District Counsel has not determined whether this is a CDD item. Acknowledging that the HOA and CDD are separate entities, the CDD cannot claim the HOA's budget would decrease while the CDD budget increases. Possibly extending the HOA maintenance contract another year, scheduling a Special Meeting to adjust the budget before the public hearing and the backup plan to obtain a bank loan to address any insufficient funding, were discussed.

**Mr. Marquardt opened the Public Hearing.**

Resident Joel Fernandez asked when homeowners would see the assessment, the CDD fiscal year dates and if CDD funds could be transferred to the HOA. Ms. Cerbone stated that the assessment would be on the November 2021 tax bill, the fiscal year runs October 1<sup>st</sup> through September 30<sup>th</sup> and transferring funds to the HOA is not an option; however, the Board has the option to reduce assessments the following year, if it is determined that the HOA, not the CDD, is responsible for certain expenses.

Resident Laurie Sandler asked if it is possible for the CDD to maintain the physical aspects of all lakes and for the HOA to maintain the mechanical aspects, such as the cannons and fountains, as the HOA already included those expenses in its budget. Ms. Cerbone replied affirmatively; she would involve the HOA.

Mr. Fernandez asked when the Tax Collector and Property Appraiser are paid, since those fees are based on percentage of the budget; he asked if the budget could be honed enough so the CDD does not pay more than it needs to. Ms. Cerbone stated that the CDD’s lien roll and budget are submitted to the Tax Collector in September and the fees are deducted before revenues are submitted to the CDD.

Mr. Fernandez asked if the CDD researched refinancing the bond debt. Ms. Cerbone stated that the call date for the Series 2014 bonds is 2024 and 2028 for the Series 2018 bonds. The “Cinderella” refinancing option expired in 2019.

Mr. Sparrazza emphasized that, if the CDD takes over certain items, the costs will be reflected in the assessment amount on the tax bill, or, if the CDD does not take over, the HOA would integrate the costs into the HOA’s January 1, 2022 budget. The CDD would incur additional management, insurance and legal expenses. Engineering expenses increasing due to the CDD taking on maintenance was clarified.

**Mr. Marquardt closed the Public Hearing.**

Ms. Cerbone presented Resolution 2021-07.

The following change was made to the proposed Fiscal Year 2022 budget:

Page 1, “ Other repairs & maintenance” line item: Change “30,000” to “230,000”

The following change was made to Resolution 2021-07:

HOUR: Change “11:00 A.M.” to “10:30 A.M.”

LOCATION: Change: “the Clubhouse parking lot” to “Activities Room at the Clubhouse”

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, Resolution 2021-07 as amended, Approving a Proposed Budget for Fiscal Year 2021/2022, as amended, and Setting a Public Hearing Thereon Pursuant to Florida Law on August 17, 2021 at 10:30 a.m., in the Activities Room of the Naples Reserve Clubhouse, 14885 Naples Reserve Circle, Naples, Florida 34114; as stated by Ms. Cerbone, Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-08, Designating Dates, Times and Locations for Regular Meetings of the Board of**

**Supervisors of the District for Fiscal Year 2021/2022 and Providing for an Effective Date**

Ms. Cerbone suggested adopting a recurring meeting schedule and noted that meetings could be cancelled if there is nothing to consider. Regarding meetings to address ongoing items, Ms. Cerbone stated that the October and November meetings are necessary and, as the Chair or Vice were authorized to execute certain items between meetings, those items could be presented to the Board for ratification at the next meeting.

Ms. Cerbone presented Resolution 2021-08. The following changes were made to the Fiscal Year 2022 Meeting Schedule:

DATES: For all, insert the date of the 1<sup>st</sup> Thursday of each month.

LOCATION: Insert “the Clubhouse at Naples Reserve, 14885 Naples Reserve Circle, Naples Florida 34114”

TIME: Insert “10:30 A.M.”

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, Resolution 2021-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022, as amended, and Providing for an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Ratification of Boat Dock Encroachment Agreement with Doug Franklin**

Ms. Cerbone presented the Agreement for ratification. District Counsel was in possession of the fully executed Agreement, which the property owners, the HOA and the CDD executed; it was not yet recorded with the County. Staff was streamlining the process and it was suggested that the process include a timeline/deadline for each step so homeowners understand that the process is lengthy.

Ms. Cerbone stated that part of the final process, upon receipt of a fully executed agreement, was for the CDD to issue a Letter of No Objection (LONO) which she would prepare. Mr. Sparrazza and Mr. Cole would coordinate a process; whereby, the HOA Representative

would inspect and send photographs of the dock to Mr. Cole after completion for his review and to ensure that the work complies with the specifications.

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the Boat Dock Encroachment Agreement with Doug Franklin, was ratified.**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Generator Encroachment Agreement**

• **Discussion: Proposed Naples Reserve CDD Letter of No Objection**

Ms. Cerbone presented the Agreement and proposed LONO. As CDD Staff reviewed the plat, the Developer designated the drainage easement to the HOA and because the CDD and HOA were unable to locate the document to determine ownership, the Board agreed to proceed with the Design Review Committee (DRC) suggestion that the homeowner install the generator to the other side of the building, to eliminate incurring further costs on this matter. If the homeowner declines, the Board agreed to approve the Agreement and LONO, subject to CDD and HOA Counsel confirming ownership. Discussion ensued regarding disturbing easements due to catastrophic conditions, such as a storm event.

**On MOTION by Ms. Hill and seconded by Marquardt, with all in favor, the Generator Encroachment Agreement and Letter of No Objection, in substantial form, subject to review by the CDD District Engineer and District Counsel and HOA Counsel and with communication from the HOA confirming that this is still necessary, and if so, authorizing the Chair and Vice Chair to execute the Agreement outside of a Board Meeting, according to those terms, as stated by Ms. Cerbone, was approved.**

**NINTH ORDER OF BUSINESS**

**Consider Acceptance of Conveyance of Lake and Lake Tracts From HOA – Quit Claim Deed**

Ms. Cerbone noted that the HOA was advised by its Counsel that this action is necessary so that all the lakes and lake tracts are officially in the CDD’s name. Mr. Urbancic stated the



Developer Deed was already recorded; he worked with HOA Counsel to reserve necessary rights to enforce certain matters.

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, conveyance of the Lake and Lake Tracts from the HOA, via a Quit Claim Deed, was approved.**

**TENTH ORDER OF BUSINESS**

**Discussion: Potential Action by CDD Regarding Condition of CDD Improvements by Developer and/or HOA**

The Board discussed whether the CDD has any recourse to file a claim against the Developer or the HOA if improvements conveyed to the District, such as lakes, lake banks, drainage or catch basins, are deemed not to be appropriate, as the Developer was in control of the HOA for a considerable time.

Mr. Cole deemed the current lake bank erosion issues were due to normal wear and tear. Discussion ensued regarding the statute of limitations, costly legal recourse, a CDD that settled with the HOA and the Developer, whether the Developer should have done maintenance before leaving and a suggestion to not convey the cannons to the CDD.

**ELEVENTH ORDER OF BUSINESS**

**Discussion: RFP for Disaster Debris Removal**

Ms. Cerbone noted proceeding with this action would not guarantee that the CDD would have access to Federal Emergency Management Agency (FEMA) funds in the event of a major storm, as this is a gated community with restricted access; however, if the Board decides to proceed, certain verbiage in the existing HOA Maintenance Agreement would need to be modified. Ms. Cerbone discussed the Request for Proposals (RFP) process. The Board directed Ms. Cerbone to start the process.

**TWELFTH ORDER OF BUSINESS**

**Approval of Unaudited Financial Statements as of April 30, 2021**

Ms. Cerbone presented the Unaudited Financial Statements as of April 30, 2021. Any unused Capital Projects Series 2018 funds will be applied to bond repayment.

**On MOTION by Ms. Godfrey and seconded by Mr. Marquardt, with all in favor, the Unaudited Financial Statements as of April 30, 2021, were accepted.**

**THIRTEENTH ORDER OF BUSINESS**

**Approval of May 5, 2021 Regular Meeting Minutes**

Ms. Cerbone presented the May 5, 2021 Regular Meeting Minutes. She noted that it was difficult to hear names clearly on the audio so, to prevent misspellings, Line 33 acknowledged that "Other Residents" were in attendance.

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, the May 5, 2021 Regular Meeting Minutes, as presented, were approved.**

**FOURTEENTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

**FIFTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *Coleman, Yovanovich & Koester, P.A.***

- **Update: New Legislative Advertising Law**

The being nothing further to report, the next item followed.

**B. District Engineer: *Hole Montes, Inc.***

- **Drainage Update**

The being nothing further to report, the next item followed.

**C. District Manager: *Wrathell, Hunt and Associates, LLC***

- **NEXT MEETING DATE: To be Determined**

- **QUORUM CHECK**

The next meeting will be held on August 17, 2021.

**SIXTEENTH ORDER OF BUSINESS**

**Audience Comments**

A resident asked if the CDD has a disaster debris removal plan in place with the HOA and if Mr. Cole inspected the two docks to ensure the swale was done correctly. It was noted that the CDD is covered under the Maintenance Agreement with the HOA and the CDD, The RFP would go into effect January 1, 2022. Inspection of the two docks was discussed earlier. This item would be on the next agenda.

A resident asked if there are instructions regarding the structure and aesthetics for docks and if it is ongoing during the sale of the home. Mr. Marquardt stated the DRC reviews the aesthetic portion; the Encroachment Agreement notices that the homeowner is responsible for maintenance of the dock. Signs of disrepair would be reported to the HOA and then passed on to the appropriate party.

**SEVENTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

There being no Supervisors' requests, the next item followed.

**EIGHTEENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business to discuss, the meeting adjourned.

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, the meeting adjourned at 12:26 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair