

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

The Board of Supervisors of the Naples Reserve Community Development District held a Regular Meeting on December 2, 2021 at 10:30 a.m., at the Island Club at Naples Reserve, Activities Room, 14885 Naples Reserve Circle, Naples, Florida 34114.

**Present at the meeting were:**

Thomas Marquardt	Chair
Deborah Lee Godfrey	Vice Chair
Charlene Hill	Assistant Secretary
Anna Harmon	Assistant Secretary
Gregory Inez	Assistant Secretary

**Also present, were:**

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Meagan Magaldi	District Counsel
Kevin Dowty	District Engineer
Bill Kurth	SOLitude
Heidi McIntyre	Resident
Lori Sandler	

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 10:30 a.m. She stated the Oath of Office was administered to Ms. Harmon the day before this meeting. She reviewed the items under the Fourth Order of Business and discussed examples of how to comply with the Sunshine Law.

All Supervisors were present, in person.

**SECOND ORDER OF BUSINESS**

**Public Comments**

This item was presented following the Sixth Order of Business.

**THIRD ORDER OF BUSINESS****Chairman's Opening Remarks**

Mr. Marquardt stated he must leave the meeting early but he hoped to address most of the agenda items before his departure. He discussed the following:

- He was working with Staff to address a Second Notice that the South Florida Water Management District (SFWMD) sent to the HOA regarding a failed shoreline inspection and the need for erosion repairs. The CDD provided the HOA with the necessary language with which to respond, in particular that the water levels are high enough that the CDD does not have the ability to address shoreline erosion and an extension is needed to perform the repairs. Due to the delay in addressing the issue, the CDD would likely be responsible for this when the CDD takes over maintenance in January. He believed no funds were budgeted for these repairs.

Ms. Cerbone stated there is a general line item in the budget that could potentially accommodate the cost of the repairs. Mr. Marquardt noted that there is not an estimate for the repairs.

Discussion ensued regarding the issue. Mr. Marquardt stated that the District Engineer provided language and performed some inspections of the weirs.

- A Savannah Lakes homeowner reported that a homeowner on the opposite side of the lake had a pool installed and, in their opinion, it caused significant erosion. The resident submitted a photo that seemed to show significant erosion.

Mr. Marquardt voiced his opinion that the CDD should not be responsible for those repairs and stated that the HOA was asked to examine the property and determine if the erosion was the fault of the homeowner or the pool installer. He felt that it is important to determine responsibility before January.

Ms. Cerbone asked Ms. Magaldi if the HOA could still be involved beyond January if activities caused damage to CDD property during the time the HOA had control over the area. Ms. Magaldi replied affirmatively. Ms. Cerbone believed and Ms. Magaldi concurred that the HOA should call its Attorney.

Ms. Godfrey asked if this was related to the 2020 report that identified approximately 50 individual areas of erosion that more than likely resulted from extended decks and pool

installations. Mr. Marquardt stated it was not because this pool was installed after the 2020 inspection.

Discussion ensued regarding the ongoing issues identified in 2020, the need for the HOA to participate in repairs on private property and the CDD’s option of notifying homeowners of the issues they must address themselves. Ms. Cerbone asked Ms. Magaldi if there is potentially a right of recovery on the older repairs. Ms. Magaldi replied affirmatively. Ms. Cerbone felt that it would be best to work with District Counsel in this regard. She noted that the HOA may still be involved if it has pertinent documents.

**FOURTH ORDER OF BUSINESS**

**Administration of Oath of Office to Newly Appointed Supervisor, Ms. Anna Harmon, Seat 5 *(the following to be provided in a separate package)***

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

As noted earlier in the meeting, the Oath of Office was administered prior to the meeting and the above items were presented during the First Order of Business.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-01, Designating Certain Officers of the District, and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2022-01. Ms. Hill nominated Mr. Marquardt for Chair. No other nominations were made.

**On MOTION by Ms. Hill and seconded by Ms. Godfrey, with all in favor, designating Mr. Marquardt as Chair, was approved.**

Ms. Inez nominated Ms. Godfrey for Vice Chair. No other nominations were made.

**On MOTION by Ms. Inez and seconded by Mr. Marquardt, with all in favor, designating Ms. Godfrey as Vice Chair, was approved.**

Mr. Marquardt nominated the remaining slate of officers as follows:

- |                     |                |
|---------------------|----------------|
| Secretary           | Craig Wrathell |
| Assistant Secretary | Charlene Hill  |
| Assistant Secretary | Gregory Inez   |
| Assistant Secretary | Anna Harmon    |
| Assistant Secretary | Cindy Cerbone  |

No other nominations were made.

**On MOTION by Ms. Godfrey and seconded by Ms. Harmon, with all in favor, Resolution 2022-01, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was approved.**

Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

**SIXTH ORDER OF BUSINESS**

**Continued Discussion/Consideration:  
SOLitude Lake Management, LLC, Services  
Contract for One Time Planting Required  
Littoral Plants [\$25,000.00]**

Ms. Cerbone recalled that several lake maintenance items were approved at the last meeting, including a contract with Cardno, Inc., which was approved in substantial form; the contract was updated and executed and copies would be emailed to the Board, the HOA and the Property Manager. Contracts for aerator maintenance and lake maintenance were also

approved at the last meeting, in substantial form. She stated that Mr. Kurth would discuss the proposal for littoral shelf maintenance that was discussed at the last meeting, as well as a quote the HOA received for treatment of Lake #21A.

Mr. Kurth discussed the development of the proposal for additional littoral plants and noted the following:

- The proposal came to fruition because many residents expressed concern about the designated littoral shelf by Collier County.
- There are issues with vacant areas and the majority of the species in the CDD are plants that the residents tend to dislike.
- He addressed the HOA twice, along with the County, to educate residents about the benefits and the need for littoral plants.
- The comments at the last meeting indicated that residents would like more attractive flowering types of littoral plants.
- Some residents did not understand what the plantings would look like because the model homes did not have littorals behind them.
- From a compliance standpoint, the proper density of plants is important, and the species preferred by residents could also be installed.
- He consulted with the District Engineer regarding square footage and suggested tabling this proposal to the next meeting so that a closer examination could be done when the water levels recede.
- The price shown represented a good estimate for budgeting purposes and suggested the CDD may wish to develop a long-range plan for targeted plantings to address erosion issues and benefit the health of the lakes, given that some residents do not like littoral plants.

Mr. Marquardt stated the Landscaping Committee may wish to be involved, given the focus on the community's aesthetics. Ms. Godfrey stated that some residents believe that weeds have grown on the littoral shelf; therefore, it would be helpful to understand which plants are littoral plants.

Mr. Kurth discussed the challenges managing littoral plantings, water fluctuation and soil and erosion considerations, should certain species be removed. He would review the map

and present a plan for the littoral zones that includes SOLitude's responsibility for keeping bad vegetation out.

Mr. Marquardt stated his understanding that the littoral plant plan did not require every lake to have the same percentage of littoral plantings and that all plantings could be congregated in one lake to comply with the agreement. He asked if it was true that a lake planted with 10% littoral plantings would eventually grow to be 80% plantings. Mr. Kurth did not believe the littorals are supposed to expand in that manner and stated the littoral zones must be maintained to promote proper density and diversity of plants. He stated there is an abundance of spikerush, which is a beneficial plant that residents do not like.

Mr. Marquardt asked how to respond when a resident asks the HOA to have spikerush removed. Mr. Dowty stated it is important to comply with County requirements.

Ms. Cerbone stated the CDD would not deviate from the permit requirements since the CDD owns and maintains the lakes. Residents who do not appreciate the CDD's eco-friendly vegetation should be advised that it would be brought to the Board's attention and be told that there would be added costs for beautification and transition would take time.

Mr. Dowty stated residents could be advised that, while they may view some vegetation as unsightly, soil erosion is also unsightly and is costly to repair. He would send a map depicting the lake areas. He noted that, while only 20% coverage might be required, the more littorals planted, the better. Littorals need to be planted continuously in order to thrive.

Mr. Marquardt recalled that a property owner raked material out of the water and onto the shoreline. Discussion ensued regarding whether the person removed beneficial littorals, location of the plants and beneficial littoral plants living in the water.

Ms. Cerbone noted that anyone removing vegetation from CDD property is trespassing; therefore, such instances should be reported to the District Manager for discussion at the next meeting, where District Counsel could advise about next steps.

Discussion ensued regarding other property owners observed trespassing in this manner, educating and informing residents and monitoring activity along the shoreline. Mr. Kurth stated he would have additional staff on site, including Ms. Christina Kennedy. He

discussed the need for the CDD to proactively manage littoral plants and treat algae by controlling nutrients.

Staff was directed to work with Mr. Kurth and Ms. Godfrey to draft a communication to property owners, for dissemination by the HOA via e-blast and/or to be posted on the HOA website. This item was tabled and would be discussed at the next meeting.

**Mr. Marquardt left the meeting at 11:12 a.m.**

▪ **Public Comments**

**This item, previously the Second Order of Business, was presented out of order.**

A resident reported a large amount of dead tumbleweed type vegetation on her property following spraying. Mr. Kurth suggested she provide her address to Ms. Cerbone so she can email him and his crew can inspect the area. He stated that, while technicians focus on spraying, they try to remove trash when possible.

Ms. Cerbone asked if, after spraying to reduce but not eliminate eco-friendly vegetation like spikerush, the vegetation that dies off eventually dissipates. Mr. Kurth stated it does but in many cases the biomass can create algae blooms. Ms. Cerbone asked if the Agreement with SOLitude should also include removal, since he stated removal is not included. Mr. Kurth stated removal is very expensive, so SOLitude tries not to kill littoral plants whenever possible because contracts typically do not include removal. While removal might be necessary when littoral plants have grown significantly, he felt that it is not necessary now.

Discussion ensued regarding residents removing construction-related trash and debris from the lakes. Mr. Kurth cautioned that everyone should be very careful at the edge of the lake because alligators might be present. Ms. Godfrey expressed her support for educating residents about the work that SOLitude does. Mr. Kurth stated that he previously gave educational presentations but it is unfortunate when dissatisfied residents do not attend. Ms. Godfrey stated it might be possible to schedule another presentation for residents.

A resident supported sending a letter informing property owners that the lake is CDD property and about the consequences of interfering with littoral plantings.

**SEVENTH ORDER OF BUSINESS**

**Consideration of SOLitude Lake Management, LLC, Services Contract for Bi-Monthly Algae Treatment for Lake #21A**

Mr. Kurth presented the SOLitude contract for bi-monthly algae treatment at Lake #21A.

**On MOTION by Ms. Godfrey and seconded by Mr. Inez, with all in favor, the SOLitude Lake Management, LLC, Services Contract for Bi-Monthly Algae Treatment for Lake #21A, in substantial form and authorizing the Chair to execute, was approved.**

**EIGHTH ORDER OF BUSINESS**

**Update: Status of Piggyback Agreement with CrowderGulf, Collier County and the City of Naples for Disaster Debris Removal and Disposal**

Ms. Magaldi stated she contacted CrowderGulf and Rosten Solutions, LLC and received a favorable response.

Agreements would be forwarded to the companies and presented to the Board when negotiations are complete.

**NINTH ORDER OF BUSINESS**

**Update: Status of Piggyback Agreement with Rosten Solutions, LLC, for Emergency Disaster Debris Removal Monitoring**

This item was discussed in conjunction with the Eighth Order of Business.

**TENTH ORDER OF BUSINESS**

**Consideration of Hole Montes, Inc., Cost Proposal for Preparation of Stormwater Needs Analysis**

Mr. Dowty presented the Hole Montes, Inc., Cost Proposal for Preparation of the Stormwater Needs Analysis.

**On MOTION by Ms. Hill and seconded by Mr. Inez, with all in favor, the Hole Montes, Inc., Cost Proposal for Preparation of the Stormwater Needs Analysis, was approved.**

**ELEVENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of October 31, 2021**

Ms. Cerbone presented the Unaudited Financial Statements as of October 31, 2021.

**On MOTION by Ms. Godfrey and seconded by Ms. Harmon, with all in favor, the Unaudited Financial Statements as of October 31, 2021, were accepted.**

**TWELFTH ORDER OF BUSINESS**

**Approval of Minutes**

Ms. Cerbone presented the following:

- A. February 2, 2021 Regular Meeting**
- B. October 14, 2021 Workshop**
- C. November 3, 2021 Regular Meeting**

**On MOTION by Ms. Godfrey and seconded by Mr. Inez, with all in favor, the February 2, 2021 Regular Meeting, October 14, 2021 Workshop and November 3, 2021 Regular Meeting Minutes, as presented, were approved.**

**THIRTEENTH ORDER OF BUSINESS**

**Other Business**

There was no other business.

**FOURTEENTH ORDER OF BUSINESS**

**Staff Reports**

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

There was no report.

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

There was no report.

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

Ms. Cerbone stated Staff was waiting for the HOA and HOA Counsel to provide feedback on the Memo of Understanding, which clarifies ownership and maintenance responsibility for vague areas, such as the fountains, floating dock, irrigation systems, etc. District Counsel followed up with the HOA and HOA Counsel. Ms. Magaldi stated that HOA Counsel advised her that comments would be forthcoming.

Ms. Cerbone stated that oversight is also important and it is important to have someone on site to receive resident concerns and to communicate with applicable parties. The on-site point of contact, according to the Oversight Agreement, would also communicate with vendors and the District Manager's office and receive and disseminate vendor reports. A backup plan is in place whereby, if the Oversight Agreement is not in place, the CDD can contract with an outside person to perform these duties; however, that would cause the CDD to incur an additional, unbudgeted \$5,000 annual charge. Discussion ensued regarding the previously approved Agreement; there was a delay due to the change in HOA Counsel.

- **NEXT MEETING DATE: January 6, 2021 at 10:30 AM**
  - **QUORUM CHECK**

Ms. Cerbone stated the next meeting was scheduled for January 6, 2021 but it may be canceled if not needed, depending on whether the Agreement is finalized.

**FIFTEENTH ORDER OF BUSINESS****Audience Comments**

A resident asked if the backup plan regarding CDD oversight would cost \$5,000 per month. Ms. Cerbone stated the cost would be \$5,000 for the year. Wrathell, Hunt and Associates has an Operations Manager based on the West Coast of Florida who could be on site for a few hours a week. The resident observed that the Property Manager is extremely busy and asked if it would be beneficial to have a District Staff member in the role, given the nominal cost for the expertise.

Ms. Cerbone stated this Operations Manager travels extensively and, while they could be on site for a few hours each week and would get to know the community very well, they would not get to know the residents. She recommended trying the Oversight Agreement first to

see if additional changes on the HOA side might be necessary before incorporating CDD Staff. While it would require time to develop the right process, Staff is willing and able to help residents in any way they can, legally, as a governmental entity.

Discussion ensued regarding asking the Property Manager to attend a CDD meeting. Ms. Cerbone stated she thought this would be very beneficial, once the MOU is executed. She and Mr. Marquardt are scheduled to meet with the Property Manager and Mr. Sperrazza to discuss the logistics, in detail, regarding the MOU and CDD oversight.

A resident asked what entity manages irrigation. Ms. Cerbone stated the CDD has not budgeted for any irrigation maintenance, repairs or overhaul in the past, present or future. She was unsure what the HOA budgeted for those items but the HOA is aware and receptive to retaining ownership and maintenance of the irrigation systems. The understanding was that all physical structures relating to irrigation would be owned and maintained by the HOA and the CDD would be responsible for water treatments.

**SIXTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

There were no Supervisors' requests.

**SEVENTEENTH ORDER OF BUSINESS**

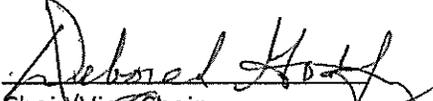
**Adjournment**

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

**On MOTION by Ms. Godfrey and seconded by Ms. Hill, with all in favor, the meeting adjourned at 12:04 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
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Secretary/Assistant Secretary

  
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Chair/Vice Chair