

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

The Board of Supervisors of the Naples Reserve Community Development District held a Regular Meeting on February 3, 2022 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

**Also present, were:**

Cindy Cerbone (via telephone)	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Greg Urbancic	District Counsel
Terry Cole (via telephone)	District Engineer
Bill Kurth	SOLitude Lake Management, LLC (SOLitude)
Mason Meyer	SOLitude Lake Management, LLC (SOLitude)
Heidi McIntyre	Resident
Clement Soffer	Resident
Randy Sparrazza	Resident and HOA President
Lori Sandler	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Public Comments**

No members of the public spoke.

**THIRD ORDER OF BUSINESS**

**Chairman’s Opening Remarks**

Mr. Marquardt discussed the following:

- As this is the dry season, Staff was asked to re-assess and identify areas of erosion and prepare a spreadsheet identifying projects and the entity responsible for funding and making those repairs.
- Mr. Marquardt and Mr. Kurth met with the HOA and Crawford Landscaping Representatives to identify issues along the shoreline and discuss how and who should maintain the area. Homeowners are objecting the use of Roundup® weed killer.
- Discussion should continue regarding what to do to address littorals as some residents asked for them to be removed, given the need to replant littorals that are past their life expectancies.

**FOURTH ORDER OF BUSINESS**

**Discussion: Lake Bank Erosion and Permit Compliance Matters**

**A. Causes/Responsible Parties**

- I. Type of Drainage Installed by Builders on Private Property**
- II. Pool Installation on Private Property**
- III. Natural Causes/Other**

**B. CDD Options with Responsibilities Parties**

**C. Recommend Actions, Timing and Cost**

Mr. Cole gave an overview of Staff’s actions to identify and notify the HOA of 50 areas with erosion. He noted that the South Florida Water Management District (SFWMD) issued a non-compliance letter to the Developer and discussed notifying the SFWMD of the CDD taking over certain responsibilities from the HOA and its intent to submit a plan of action and request an extension next week.

Mr. Cole stated he notified Ms. Sanchez and Ms. Cerbone about scheduling an on-site inspection meeting next week with Napier Sprinkler. This is a new vendor that is more familiar with small size projects than SOLitude. He inspected the lake banks and there were over 50 locations identified as needing repairs over a year ago, he felt that many were either repaired

or they did not appear to need any repairs. Each lake has a few minor repairs that are needed due to erosion below the water line, which would entail putting in gravel or riprap, in addition to extending the pipes from the yard drains. He noted discussions with the Developer's Engineer, who was finding out when their contractor plans to correct the issue at the water control structure at Lake #2 by installing a weir plate.

Mr. Cole recommended budgeting \$30,000 for the repairs on the six lakes referenced in the SFWMD non-compliance letter and deferring the large repairs along the northwest side of Lake #24 for another year or two. Discussion ensued regarding using reserve funds for the Lake #24 repairs.

Mr. Cole stated that he inspected the pool and did not identify any issue with the littoral plantings. He recommended having Mr. Kurth inspect the area and provide an opinion.

Mr. Cole responded to questions about advising homeowners that they must address their yard drain issues and the CDD implementing a standard process for all homeowners to install a yard drain system that is connected to a pipe that goes into the lakes. In response to a question, Mr. Urbancic stated it would probably be cheaper for the CDD to implement standards and complete the repairs necessary to extend the pipe but the CDD could also notify homeowners of their responsibility to comply with the CDD's standards to prevent future erosion issues and failure to do so could result in the CDD filing a legal cause of action for those areas with major offences.

Mr. Cole was asked to schedule the inspection and present a line item for each project that identifies the source of the problem and the suggested next steps and notify homeowners of the objective and when they plan to be on site.

Proposals would be presented at the next meeting.

**FIFTH ORDER OF BUSINESS**

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

Mr. Kurth discussed his on-site inspection results and his suggested plan, which is to install littorals, remove pipes that have no purpose in areas where water levels have receded

and implement monthly algae treatments. He presented proposals for Items 5A, 5B, and 5C, for consideration.

In response to a question, Mr. Kurth stated that the Developer can construct the lake slopes differently and noted that they may have needed more fill; he preferred the lakes to be deeper for lake management purposes, although that can sometimes become an issue.

Mr. Cole and Mr. Kurth discussed the lake bank depths and littoral shelf. Mr. Urbancic confirmed that the existing SOLitude Agreement for algae treatments can be revised instead of executing a new one.

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, modifying the dates on the SOLitude Lake Management Services Contract to cover bi-monthly algae treatments, was approved.**

**On MOTION by Ms. Hill and seconded by Mr. Marquardt, with all in favor, the SOLitude Lake Management proposal to remove 21 pipes in 11 lakes and for Mr. Cole to inspect other sites to include in the proposal, and authorize Mr. Urbancic to prepare Agreements and for the Chair to execute, as stated, was approved.**

**A. Littorals**

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, the SOLitude Lake Management proposal for one-time planting of required littoral plants, in a not-to-exceed amount of \$16,774.00, and authorizing District Counsel to prepare a Services Agreement and for the Chair to execute, was approved.**

Mr. Kurth responded to an earlier comment about using Roundup® weed killer and stated that he would provide Ms. Cerbone with the “white papers”, which provide technical information about the effects of Roundup®, which is the only effective torpedo grasses treatment product. In Mr. Kurth’s opinion, the risk of exposure to homeowners is nil. Any request not to use it on CDD property should be brought to Ms. Cerbone’s attention.

Discussion ensued regarding the 20'-wide setback, distributing the "white papers" to homeowners and keeping torpedo grass from spreading. Ms. Hill commented that, although homeowners have opinions on these matters, the contractors are hired and entrusted to perform the work they are supposed to do because they are the experts, not the Board.

**B. Shoreline Vegetation and Coordination with Other Community Vendors**

Resident and HOA President Randy Sparrazza stated that the HOA intends to work with the CDD and the CDDs vendors. He offered to e-blast information from the CDD to homeowners, such as the "white papers."

**C. Plastic Pipe(s) and Removal**

This item was addressed above.

**SIXTH ORDER OF BUSINESS**

**Discussion: Water Use Permit Compliance Matters (*Cardno with HOA*)**

- **Impact on CDD Improvements (*Lakes, Lake Banks, Littorals, etc.*)**

Since the CDD owns the lakes and the Water Use Permit was issued to the HOA, Mr. Marquardt wanted to know what impact it has on the plants on CDD property and asked why water levels are much lower in this community than in others.

Mr. Cole discussed the Water Use Permit, which protects the aquifer and regulates the flow rate depending on rainfall and the CDD's usage. Regarding water levels, the CDD has a 2' vertical drop and the lake control elevations are much lower than in other local neighborhoods, based on the topography of the land. Mr. Kurth confirmed that the differences are due to groundwater and the elevation of the property, which is different in every community but they have the same water table.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Rostan Solutions, LLC, Piggyback Agreement Related to Disaster Debris Removal Monitoring and Reimbursement Management Services**

Mr. Urbancic stated that the Piggyback Agreements were prepared at the direction of the Board. He asked for approval in substantial form. Ms. Cerbone discussed the scope of work

differences related to Rostan Solutions, LLC, (Rostan) who is a third-party contractor that will monitor and certify the work of Crowder-Gulf Joint Venture, Inc., (Crowder-Gulf), as required and submit the filings for the Request for Reimbursement for submittal to the Federal Emergency Management Agency (FEMA). The term “piggyback” was explained and it was noted that Rostan is tied to an existing Agreement with the Sunshine Water Control District in Broward County, as a third-party contractor providing monitoring services.

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the Rostan Solutions, LLC, Piggyback Agreement Related to Disaster Debris Removal Monitoring and Reimbursement Management Services, in substantial form, was approved.**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Crowder-Gulf Joint Venture, Inc., Piggyback Agreement with Collier County for Disaster Debris Management, Removal and Disposal Services**

**On MOTION by Mr. Marguardt and seconded by Ms. Harmon, with all in favor, the Crowder-Gulf Joint Venture, Inc., Piggyback Agreement with Collier County for Disaster Debris Management, Removal and Disposal Services, in substantial form, was approved.**

Regarding budgeting for these expenses, Ms. Cerbone stated it is up to the Board to decide on whether to establish a “Disaster Recovery Reserve” budget line item or possibly obtain a short-term loan until the CDD receives FEMA reimbursement. Mr. Marquardt felt that the CDD should wait until the event occurs instead of assessing homeowners in advance.

**NINTH ORDER OF BUSINESS**

**Discussion: Potential Encroachments or Agreements Unrelated to Docks and Generators**

- **Fences, Pool Equipment, Other**

Ms. Sanchez stated that the Design Review Committee (DRC) contacted her about various encroachment items. She asked the Board in how it wants to proceed. The Board agreed with Ms. Cerbone’s suggestion to utilize the CDD’s existing Encroachment Agreement instead of creating a generic agreement.

**On MOTION by Ms. Godfrey and seconded by Mr. Marquardt, with all in favor, authorizing use of the existing Encroachment Agreement to address various encroachment items, subject to review and approval by the DRC and Mr. Cole and for the Chair or Vice Chair to execute outside of a meeting, was approved.**

Ms. Sanchez stated that two agreements will be prepared for the homeowner to execute; one for the pool encroachment and one for the generator encroachment. Ms. Cerbone stated that modified Exhibits from the pool contractor are needed to provide a revised survey that includes Mr. Cole’s comments on the pool equipment.

**TENTH ORDER OF BUSINESS**

**Consideration of Bond Counsel Invoice No. 5812638 for Series 2018 Bond Issue Related to Board and Public Questions**

Ms. Sanchez presented Bond Counsel Invoice No. 5812638.

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, Greenberg Traurig Invoice No. 5812638, for Series 2018 Bond Issue Related to Board and Public Questions, in a not-to-exceed amount of \$800, was approved.**

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-04, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Collier County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date**

Ms. Sanchez presented Resolution 2022-04. Seats 2 and 5, currently held by Mr. Marquardt and Ms. Harmon, will transition to election via the General Election, in November 2022. She reminded interested candidates to contact the Supervisor of Elections (SOE) Office during the candidate qualifying period, which was believed to be the second week of June. It was noted that CDD Staff is not involved in this process.

Discussion ensued regarding the candidate qualifying period and process, obtaining forms and information directly from the SOE’s office or website and whether filling a vacancy before the General Election is allowed.

**On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor, Resolution 2022-04, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Collier County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.**

**TWELFTH ORDER OF BUSINESS**

**Consideration of Amended Certificate of Engineer - Series 2014 Project**

Ms. Sanchez presented the Amended Certificate of Engineer - Series 2014 Project, to exclude irrigation facilities since bond funds were not expended to construct it, as explained in the Memorandum of Understanding.

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the Amended Certificate of Engineer - Series 2014 Project, to exclude any irrigation facilities, in light of the Memorandum of Understanding, was approved.**

**THIRTEENTH ORDER OF BUSINESS**

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

Ms. Sanchez presented the Unaudited Financial Statements as of December 31, 2021.

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

**FOURTEENTH ORDER OF BUSINESS**

**Approval of December 2, 2021 Regular Meeting Minutes**

Ms. Sanchez presented the December 2, 2021 Regular Meeting Minutes. The following changes were made:

Line 14 and throughout: Change “Ana” to “Anna”

Additionally, all corporate documents should be updated to change “Ana” to “Anna”.

**On MOTION by Ms. Hill and seconded by Ms. Harmon, with all in favor, the December 2, 2021 Regular Meeting Minutes, as amended, were approved.**

**FIFTEENTH ORDER OF BUSINESS**

**Other Business**

There was no other business.

**SIXTEENTH ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Urbancic stated that the candidate qualifying period for Collier County is June 13 to June 17, 2022. He stated that candidates can prefile their qualifying documents with the SOE’s office prior to the qualifying period.

Mr. Urbancic stated that several legislation bills pertaining to allowing virtual meetings during a State of Emergency and changing the limited waiver cap of sovereign immunity were being monitored.

- **Letter to Residents on Lake and Lake Bank Maintenance**

Mr. Urbancic distributed and presented a draft letter to residents; it would be emailed to District Management, as well. The Board Members were asked to review the letter and submit their comments and/or edits to Ms. Sanchez to include in the next agenda.

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

Mr. Cole stated that preparation of the 20-Year Stormwater Needs Analysis Report is underway. He would contact District Management to obtain budget information for future projects. Mr. Cole stated that this Report is required, as a result of new legislation; the Report is due by June 30, 2022.

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

- **NEXT MEETING DATE: March 3, 2022 at 10:30 AM**
  - **QUORUM CHECK**

Supervisors Marquardt, Hill, Godfrey and Harmon confirmed their attendance at the March 3, 2022 meeting.

Ms. Sanchez asked the Board Members if they are receiving the multiple quorum check emails. Mr. Marquardt replied affirmatively.

**SEVENTEENTH ORDER OF BUSINESS**

**Public Comments**

Resident Clement Soffer commented on flooding behind the residence at 14448 Neptune Avenue during the rainy season. Mr. Soffer stated that Mr. Marquardt agreed that the drain is not correct and advised him to report it to the HOA and the HOA told him they would inspect it once the water levels recede. Since he is unsure if the HOA repaired the issue in December, he wanted the record to note that the area is fine now but he wants to reserve the right to address this again in June, during the rainy season, to determine if it was corrected.

Mr. Soffer felt that someone should inspect the littorals growing on the left side of his home. He is concerned that they could cause navigation issues for boats passing through. Regarding the littorals, Mr. Kurth stated the area in question was not part of the littoral plan. He recommended the Board consider adding some littorals in areas with a lot of wave action in order to stabilize the banks and prevent expending funds for erosion repairs as a result of a storm event. Mr. Marquardt stated that the catch basin and the littorals can be affecting each other; he asked Mr. Cole to inspect the catch basin, during inspection of the wake erosion.

Mr. Soffer asked for the Board to accept the audited financial statements, instead of the unaudited statements, as he felt it would ease homeowner suspicions. Staff advised that the audit is performed annually, at the end of each fiscal year, as required by law, and the Fiscal

Year 2021 Audited Financial Statements would be presented soon. The Unaudited Statements are provided monthly for review purposes only.

Resident Heidi McIntyre recalled that she asked for the area behind her residence to be inspected and asked if it was done. Mr. Kurth stated he did not know if it was done so he would inspect it after the meeting. Regarding what happens once an area is treated, Mr. Kurth stated that dead materials typically decompose. He stated that SOLitude was nearly done treating areas that were inadvertently omitted from the schedule and that the landscaping company was not trimming.

**EIGHTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

There were no Supervisors' requests.

**NINETEENTH ORDER OF BUSINESS**

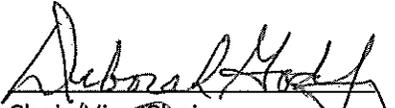
**Adjournment**

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

**On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor, the meeting adjourned at 12:11 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair