

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

The Board of Supervisors of the Naples Reserve Community Development District held a Regular Meeting on August 4, 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
Anna Harmon	Assistant Secretary
Charlene Hill	Assistant Secretary

**Also present, were:**

Jamie Sanchez	District Manager
Daniel Rom	Wrathell, Hunt and Associates, LLC (WHA)
Shane Willis	Operations Manager
Meagan Magaldi	District Counsel
Terry Cole	District Engineer
Lisa Wild	Resident/Design Review Committee
Ashly Barnes	KTS Group

**Residents present, were:**

Pat Ranallo	Heidi McIntyre	Chris Benson	Clement Soffer
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**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Sanchez called the meeting to order at 10:31 a.m. Supervisors Marquardt, Godfrey, Hill and Harmon were present in person. Supervisor Inez was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

Ms. Sanchez explained the public comments process and noted that the Board and Staff are not required to respond to any questions or comments during the meeting.

Ms. Sanchez stated Mr. Ranallo submitted a speaker card to discuss Item 8A and suggested his comments be taken at that time.

Resident Clement Soffer presented photographs. He expressed concern that littorals will multiply via interconnecting pipes. He suggested limiting the expansion of littorals.

**THIRD ORDER OF BUSINESS**

**Chair's Opening Remarks**

Mr. Marquardt reported the following:

- A productive meeting was held with the HOA and the Landscaping Committee to determine if more littorals should be planted around the lakes and, if so, what types. It was suggested that the CDD consult with Verona Walk, based on the opinion that they did an extraordinary job beautifying their community's shoreline with various littorals.
- Since the last meeting there were several requests to remove littorals for primarily aesthetic reasons. He felt that it is advisable to develop a program and policy for similar requests, as littorals might not be particularly beautiful but they serve purposes such as keeping water clean and providing habitat and protection for the shoreline. While only 13% to 15% of the shoreline is required to include littorals, it is anticipated that the percentage might increase to 80% to 90% in the future. He will ask Ms. Hill to evaluate Riverwalk, consult the County representative and provide an update and recommendations.
- The HOA is concerned about a part of the big lake at Crane Point where the grade makes it impossible for equipment to access. If that part does not meet specifications and the HOA has a claim with the Developer, the issue should be addressed now.
- In walking the grounds with Mr. Cole and Mr. Willis, vegetation was observed in the 20' setback easement. It is unclear who planted the vegetation, which is attractive. While he is not inclined to make homeowners remove existing vegetation that is not causing an issue, he asked if such violations could affect homeowners in the event of a sale.

Ms. Magaldi stated vegetation is less likely to be an issue than a structure. Due to the costs, it might be preferable to file a retroactive Encroachment Agreement, in the event of a sale. Mr. Marquardt noted that, while such instances are common along the shorelines, the current standards are more particular than those in effect when older homes were built. Going forward, new construction is in compliance with current guidelines.

Discussion ensued regarding trees encroaching into lake easements, how plantings encroaching into easements can preserve shoreline, problems arising from encroaching trees and landscaping and responsibility for such issues.

Mr. Marquardt believed that vegetation in the easements is more of an HOA issue and suggested deferring management of these matters to the HOA.

Mr. Cole discussed encroachments impeding on the easements and noted that Use Agreements apply to structural encroachments. While the County might not require immediate removal, encroaching landscaping can be removed when necessary. Large rain events might reduce the size of the easements and items encroaching far into easements might be underwater. Mr. Marquardt was in favor of addressing encroachments on a case-by-case basis. Mr. Willis noted that juvenile trees and shrubs are easier to remove than established trees.

Ms. Wild stated that some of the trees behind homes might be the hardwood trees that builders were required to install and, when removed, these trees cannot be easily replaced due to space limitations between homes and utility easements. In some areas where homes are closer together, there might only be inches before the encroachment. She felt that it is important to inform residents of the additional approval processes when Encroachment Agreements are signed. Mr. Marquardt stated information will be sent to residents.

➤ The HOA requested a boat ramp be allowed because, in the event of a hurricane, boats can be waterlocked. A location believed to be feasible was suggested. He recommended the CDD not object, provided the ramp is funded by the HOA and subject to Mr. Cole’s review.

**FOURTH ORDER OF BUSINESS**

**Service Provider Reports**

**A. Cardno**

This item was presented following Item 4B.

**B. SOLitude Lake Management, LLC**

**I. June 21, 2022**

**II. July 7, 2022**

Mr. Willis presented the SOLitude reports. A noise complaint was received about an aeration box near to a residence. The issue will be mitigated with insulation and possibly noise-deadening vegetation, such as Clusia. Mr. Marquardt stated the aerator matter raised the question of why some lakes have aerators and some do not. He felt that it is important to document aerators in use, hours in operation and whether additional aerators are needed.

**▪ Cardno**

**This item, previously Item 4A, was presented out of order.**

Mr. Willis presented the Water Usage and Water Quality Report. Water usage decreased from 40 million gallons in April to 24 million gallons in June, due to heavy rainfall. Chloride levels, which measure saltwater intrusion into the lakes, were very low.

**C. Napier Sprinkler, Inc.**

Mr. Willis stated there was no report. Mr. Marquardt stated he asked Napier to revisit the location in Mallard. Mr. Cole stated he would inspect the area following the meeting.

**FIFTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2022/2023 Budget**

**A. Affidavit of Publication**

The proof of publication was included for informational purposes.

**B. Consideration of Resolution 2022-08, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Sanchez reviewed the revisions to the proposed Fiscal Year 2023 budget that were discussed in detail at the last meeting and noted the following:

- The lake bank remediation number and fund reserve were modified by \$100,000.
- Assessments will decrease by approximately \$2.85, compared to Fiscal Year 2022.

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor, the Public Hearing was closed.**

**On MOTION by Ms. Godfrey and seconded by Mr. Marquardt, with all in favor, Resolution 2022-08, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Ms. Sanchez presented Resolution 2022-09.

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, Resolution 2022-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Consideration of Addendum #2 to Management Services Agreement [Field Operations]**

Mr. Sanchez presented Addendum #2 to the Management Services Agreement.

**On MOTION by Ms. Hill and seconded by Ms. Harmon, with all in favor, Addendum #2 to the Management Services Agreement, at a rate of \$5,000 annually, was approved.**

**EIGHTH ORDER OF BUSINESS**

**Discussion/Consideration of Lot Encroachments [Parrot Cay Lots 63, 65, 70 & 77]**

- A. 14257 Charthouse Circle, Lot 70**
  - I. Letter Regarding Unauthorized Pool Encroachment into District Easements**
  - II. Letter Sent from Property Owner to HOA**

Resident Pat Ranallo noted his intention was not to circumvent regulations and he hopes to resolve the issue. Ms. Hill appreciated the comprehensive information provided.

Mr. Cole presented the request for Lot Encroachment for Parrot Cay Lot 70. He noted the location of the plat and stated, normally, all lake maintenance easements are within the lake tract but, in this case, 10' is within the Lake Maintenance Easement and 10' is within the lot. He stated the structures present an issue because, if the lot is sold and a survey done, there would be an encroachment.

Ms. Magaldi stated the encroachment could be an obstacle to a sale and District Counsel would not encourage the CDD to enter into the Easement Use Agreement proposed by the County, in its current form, because it puts liability on the CDD for something the homeowner wants to build.

Discussion ensued regarding the documentation submitted, whether to set a precedent by allowing encroachments into the easement, protecting the CDD from liability, the responsibility of the CDD to maintain the lake banks, major storm events, lake bank erosion and the possibility of heavy equipment being needed for lake bank remediation.

Ms. Magaldi stated that the CDD's primary concern is stormwater management and that must always be kept first and foremost. An Encroachment Use Agreement would be a next necessary step for issuance of a Letter of No Objection.

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the Lot Encroachment request for 14257 Charthouse Circle, Lot 70, was denied.**

**B. 14301 Charthouse Circle, Lot 63**

Mr. Cole presented the request for Lot Encroachment for Parrot Cay Lot 63. He noted the Site Plan is not labeled but, pictorially, it shows a 5' encroachment into the easement. Ms. Magaldi stated her reading of the letter from KTS conflicts with the letter from the Engineer and the survey. The consensus was there is no basis to approve the encroachment request.

**On MOTION by Ms. Hill and seconded by Mr. Marquardt, with all in favor, the Lot Encroachment request for 14301 Charthouse Circle, Lot 63, was denied.**

**C. 14293 Charthouse Circle, Lot 65**

Mr. Cole presented the request for Lot Encroachment for Parrot Cay Lot 65. He noted the circumstances are similar to Lot 63. Mr. Marquardt stated, in this case, the structure is already partially constructed in close proximity to the water.

Discussion ensued regarding possible removal of the structures.

Mr. Willis noted the schematic contradicts the letter and construction extends 5' into the easement. The consensus was there is no basis for approval of the easement request.

**On MOTION by Ms. Godfrey and seconded by Ms. Harmon, with all in favor, the Lot Encroachment request for 14293 Charthouse Circle, Lot 65, was denied.**

**D. 14219 Charthouse Circle, Lot 77**

Mr. Cole presented the request for Lot Encroachment for Parrot Cay Lot 77. He noted the circumstances are similar to Lot 65.

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, the Lot Encroachment request for 14219 Charthouse Circle, Lot 77, was denied.**

**NINTH ORDER OF BUSINESS**

**Discussion Consideration of Easement Use Agreement [14361 Charthouse Circle, Lot 53]**

- A. Collier County Government Corrections Letter [1st Single Family]**
- B. Collier County Government Corrections Letter [2nd Single Family]**
- C. New Build Plans**
- D. Pool Application Approval**
- E. Propane Tank Plans**
- F. Easement Vacation Sketch**
- G. Boundary Spot Survey (Approved)**

Mr. Cole presented the request for an Easement Use Agreement for Lot 53. The left side of the house was built in the drainage easement and an encroachment of less than 10" exists. He discussed the underground drainage pipe between the two houses and potential issues and remediation. In this case, an Easement Use Agreement or County approval is needed. The potential damage is much less than catastrophic damage of a possible collapse at the lake bank.

Discussion ensued regarding the builder’s proposal to move the A/C unit and remove the wall, reducing the encroachment to 10”.

A resident identified himself as the next-door neighbor and voiced his opinion that the pool under construction on the same property appears to be too close to the water.

Discussion ensued regarding the Easement Vacation Sketch, extent of the Easement Vacation sought, the pool plans and the Boundary Spot Survey.

This item was tabled to the next meeting and a FL Lifestyle Homes representative would be asked to attend the next meeting to provide more information.

Ms. Wild presented the homeowner’s questions about landscaping.

Projects constructed before formation of the Design Review Committee (DRC) were discussed.

Mr. Marquardt suggested the homeowner file a request for a landscaping encroachment.

Discussion ensued about encroachments approved retroactively for docks and fences.

Mr. Marquardt would work with Ms. Wild to compile an inventory of landscaping.

Ms. Sanchez noted that the CDD does not currently have an Encroachment Agreement for landscaping. Ms. Magaldi stated the general Encroachment Agreement can be completed with a detailed sketch attached as Exhibit A.

A Board Member noted that anything approved as an encroachment on the easement will be recorded on the title. Ms. Wild stated she will encourage the homeowner to remove landscaping from the easement. The approval letter from the DRC and the HOA will include a statement that the CDD will not replace landscaping encroaching in easements.

**TENTH ORDER OF BUSINESS**

**Ratification of Fence Encroachment Agreement for 14191 Charthouse Court**

Ms. Sanchez presented the Fence Encroachment Agreement for 14191 Charthouse Court, previously executed by the Chair.

**On MOTION by Ms. Godfrey and seconded by Ms. Hill, with all in favor, the Fence Encroachment Agreement for 14191 Charthouse Court, was ratified.**

Ms. Sanchez presented the Unaudited Financial Statements as of June 30, 2022. On Page 2, the “Engineering stormwater analysis” will be moved from “Field Operations” to the “Administrative” section and the totals will be recoded accordingly.

**On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor, the Unaudited Financial Statements as of June 30, 2022, were accepted.**

**TWELFTH ORDER OF BUSINESS**

**Approval of June 2, 2022 Regular Meeting  
Minutes**

Ms. Sanchez presented the June 2, 2022 Regular Meeting Minutes.

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the June 2, 2022 Regular Meeting Minutes, as presented, were approved.**

**THIRTEENTH ORDER OF BUSINESS**

**Other Business**

Ms. Hill recalled a suggestion that a Project Management Report be kept to track open items, responsibility and due dates. Ms. Sanchez would email an Action Items List template to the Board following the meeting and items may be included on the next agenda. Ms. Hill wanted lingering homeowner issues to be added as action items.

**FOURTEENTH ORDER OF BUSINESS**

**Staff Reports**

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

Ms. Magaldi stated the HOA will be developing and enforcing rules and procedures for recreational use of the lakes. A copy will be provided for review to ensure that nothing impedes any stormwater management functions.

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

**• Drainage Easements and Lake Conveyance Maps**

Mr. Cole stated the South Florida Water Management District (SFWMD) inspected for noncompliance issues two weeks ago. Mr. Mike Rottis inspected the lakes and signed off on all

but two issues. After unsuccessfully trying to have the Developer address the issue, an aluminum weir plate was corrected. Mr. Cole stated he will ask the contractor to submit an invoice showing Naples Reserve CDD.

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the Halakala Construction, Inc., proposal, in the amount of \$954.98, was approved.**

Mr. Cole stated the builder or Developer failed to remove two catch basin inserts collecting runoff and debris. Earth View submitted a \$1,000 proposal to remove and dispose of the inserts and clean the catch basins.

Mr. Marquardt stated a complaint was received and Stock Developers will accept responsibility for Stock homes. Mr. Cole was not certain of the address. He requested approval of the expenditure to address it quickly if it is not the responsibility of Stock Developers.

**On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor, the expenditure of funds, in the event Stock Developers cannot remove the catch basin inserts, was approved.**

Mr. Cole stated the grass lake banks need to be weeded and mowed but silt fences are still in place. He did not believe lake erosion totaling \$300,000 has occurred, as the HOA asserted, but, if there is a specific location to inspect, he will do so.

Mr. Cole presented a request for a Generator Agreement on Stillwater Way; there was no issue with the request. Ms. Sanchez will forward the information to District Counsel to prepare the Generator Encroachment Agreement.

Mr. Cole presented an email from the DRC; there was no issue with the request.

Mr. Cole presented a request for a walkway on a swale at 14384 Neptune Avenue.

Discussion ensued regarding the survey revision to correct placement of the dock and to add Mr. Cole's notes. Ms. Sanchez believed the request was completed.

Mr. Cole discussed a request for an Encroachment Agreement for 14475 Stillwater Way. Ms. Sanchez stated that was addressed.

**C. Operations Manager: *Shane Willis***

**NAPLES RESERVE CDD**

**August 4, 2022**

Mr. Willis stated he reviewed the Cardno contract. Cardno does water quality testing but only tests for chlorides. He suggested biannual water quality testing.

Mr. Willis stated he met with a resident from Kelson Circle who is concerned about erosion related to downspouts. He advised the resident and responded to questions.

Mr. Willis stated he met with a Stillwater Way resident concerned about the appearance of the water. He showed him the lake bank and answered questions.

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

- **NEXT MEETING DATE: September 1, 2022 at 10:30 AM**
  - **QUORUM CHECK**

The next meeting would be held on September 1, 2022, unless cancelled.

**FIFTEENTH ORDER OF BUSINESS**

**Public Comments**

Mr. Soffer stated there is a large bump 7' from his pool, which is supposed to be a main drain. He stated the drain floods all the time and asked if it has a direct connection or if it is just a drain. He asked if the drain has an out into the lake. When he brought the issue to the HOA's attention, the drain was not flooding. Mr. Marquardt stated, if it is not draining in dry season, there might be an issue to address. Mr. Cole stated the big lake in the middle and the big lake to the north are not internal water management lakes; those lakes receive water. He described that water control structures and features that affect drainage.

**SIXTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

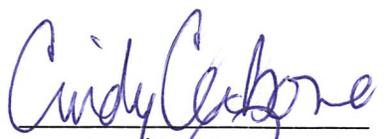
Mr. Marquardt stated he and Heidi will work on the e-blast to residents previously discussed.

**SEVENTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, the meeting adjourned at 12:51 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair