

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

The Board of Supervisors of the Naples Reserve Community Development District held a Regular Meeting on March 2, 2023 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
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)
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Shane Willis	Operations Manager
Meagan Magaldi	District Counsel
Kevin Dowty	District Engineer

Residents present, were:

Lynn Livingston	Lisa Wild	Heidi Devlin	Kathy Wells
Heidi McIntyre	Howard Futterman		

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

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

SECOND ORDER OF BUSINESS

Public Comments

Ms. Sanchez explained the protocols for public comments.

No members of the public spoke.

THIRD ORDER OF BUSINESS

Chair’s Opening Remarks

Mr. Marquardt reported the following:

➤ GeoThermal Pool Heating: An on-site inspection meeting was held with the contractor and other key parties.

➤ Lot 62: Mr. Kish advised him about the cage being built by KTS and the possibility that the foundation is installed in anticipation of the pool cage leading into the Lake Maintenance Easement (LME). He inspected and emailed materials showing the stake at 15’ back not 20’ to Mr. Cole to determine if the plans are in violation. He was unable to locate a building permit for the property.

Mr. Dowty reviewed the plans and had no issue with the designs, as it shows it right on the property line.

➤ Ms. Wild advised him that the island in the big lake belongs to the CDD.

Ms. Cerbone stated this is not correct. She and Ms. Magaldi clarified the Memorandum of Understanding (MOU) outlines CDD ownership and responsibility for the lakes and the HOA is responsible for the island within the lakes but that might not show up properly on the Property Appraiser’s website.

Supervisor Inez arrived at the meeting at 10:38 a.m.

FOURTH ORDER OF BUSINESS

Discussion/Consideration: Encroachment Agreement with HOA Related to Symbiont Service Corp and GeoThermal Pool Heating

Ms. Sanchez noted that additional documents from Hole Montes about the on-site inspection meeting with the contractor and other key parties and the draft Encroachment Agreement Ms. Magaldi prepared were distributed in the meeting.

Regarding the injection wells, Mr. Dowty stated that all parties agreed a drainage easement and permits are needed. Ms. Cerbone and Ms. Magaldi noted that certain clauses

are built into the Encroachment Agreement, including that one of the HOA’s responsibilities, as this owner, is to obtain all required permits and ensure the contractor is licensed, certified, insured and obtained all applicable permits.

On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, the Encroachment Agreement with the HOA, Related to Symbiont Service Corp and GeoThermal Pool Heating, was approved.

FIFTH ORDER OF BUSINESS

Discussion: Public Contributions to a CDD

- **Littorals on Lake**

Upon further research, Ms. Magaldi confirmed that the CDD can accept public contributions for any purpose, such as littorals for the lake or monetary to purchase plants. For monetary donations, the CDD must enter into a closet contract with the person/entity and allocate those funds in the CDD budget. Using contracted licensed contractors for installation and possibly raising issues with the CDD’s permits were discussed.

Mr. Marquardt recommended and the Board agreed that this and all future requests will be based on the Board’s observation and for resident Lynn Livingston to speak, as he initiated the request. In response to a question, Mr. Marquardt stated that there are no water quality issues in the lakes, which was reported in the last Water Quality Report. Mr. Willis concurred.

Ms. Cerbone stated that the Board reviewed the request from the property owner, sought a legal opinion about the CDD accepting contributions and the Board consensus is to decline the contribution at this time, as the lake does not need littorals, under the permit. It was noted that the Board has the option to expand those areas.

SIXTH ORDER OF BUSINESS

Discussion: Audit of the LMEs’ Plantings

This item was addressed during the Operations Manager’s Report.

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements

- A. As of December 31, 2022
- B. As of January 31, 2023

On MOTION by Mr. Marquardt and seconded by Mr. Inez, with all in favor, the Unaudited Financial Statements as of December 31, 2022 and January 31, 2023, were accepted.

EIGHTH ORDER OF BUSINESS

Approval of Minutes

- A. December 1, 2022 Regular Meeting
- B. February 2, 2023 Regular Meeting
Line 261: Change “Trothouse” to “Charthouse”
- C. February 9, 2023 Continued Regular Meeting

On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor, the December 1, 2022 Regular Meeting Minutes, as presented, February 2, 2023 Regular Meeting Minutes, as amended, and February 9, 2023 Continued Regular Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Other Business

There was no other business.

TENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: *Coleman, Yovanovich & Koester, P.A.*
There was no report.
- B. District Engineer: *Hole Montes, Inc.*
Mr. Dowty reported on and distributed the following:
 - Napier Sprinkler, Inc. Invoice #5312 to track, locate and mark irrigation mainlines at rear of all four properties encroaching the LME.
Ms. Sanchez read Mr. Cole’s handwritten note, “Based on location of the irrigation lines, there are no conflicts with any of the proposed pools.”

➤ Lot 65: The irrigation line was repaired. Napier Sprinkler, Inc. Proposal #e1065 to repair erosion to the lake bank.

Ms. Cerbone stated that Mr. Wright and all four affected homeowners were notified to expect billing for District Engineering and District Counsel fees, which will be shared four ways and must be paid to the CDD before the Encroachment Agreement can be executed. The Lot 65 homeowners situation differed slightly. Their irrigation lines were not broken but they will be billed additional costs for lake bank erosion repairs; Staff is obtaining proposals for the repairs.

Ms. Cerbone and Mr. Marquardt discussed Mr. Carr's request to use his own contractor but that requires further approval and would delay the repairs. The Board agreed with the suggestion to stay the course.

➤ 14219 Charthouse Circle: Napier Sprinkler, Inc. Invoice for \$80 to repair irrigation line.

Ms. Hill asked Mr. Cole to determine which entity, the homeowner, HOA or CDD, is responsible for this expense.

➤ Lake Bank Erosion Repair Project: March 13, 2023 deadline to provide the Temporary Construction Access Agreement for the staging area.

Mr. Marquardt asked Mr. Cole to email the project schedule to him so it can be e-blasted to residents and Mr. Willis.

Lake 24: Landshore Enterprises, LLC Proposal #4049 to restore approximately 1,106 linear feet of embankment, which includes cost options to dredge the lake or import the sand. He noted Mr. Cole recommended approving the higher cost proposal.

Discussion ensued regarding the budget and if these are additional costs above what was approved at the last meeting. It was determined that the \$102,808.20 proposal is part of the approved not-to-exceed amount of \$300,000 and that District Engineer and key parties will determine, during the course of the project, which option is the best.

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

I. Monthly Report

Mr. Willis asked if any noise complaints about the aeration box were received since the mitigation was completed. There were no complaints so the revised proposal will be processed; the cost will be less than expected.

II. Discussion/Consideration: FL GIS Solutions, LLC, Professional Services Agreement

The Board reviewed the scope of service and agreed with Ms. Hill that a GIS mapping system is needed. Ms. Cerbone was asked to determine if funding for Phase One is available in Fiscal Years 2023 or 2024. Mr. Willis will determine which services are needed.

III. Update: Lake #7 Maintenance and Mitigation

This item was not addressed.

IV. Discussion: Fishing Spot Policy

Mr. Willis presented a draft Fishing Zone Policy. The HOA’s Fishing Guidelines were included in the agenda book. If the CDD decides to designate a fishing area, he will need to prepare an Addendum to SOLitude’s contract designating the location. Ms. Cerbone stated the District Engineer must be notified to make sure the CDD is not violating any permits.

Discussion ensued regarding aquatic maintenance, approval resulting in additional District Engineer fees and, determining if littorals or downspouts are needed to prevent erosion and lessen the impact of hurricanes and major storms.

Ms. Hill asked Mr. Cole to present proactive measures for the littorals or other issues at the next meeting. Ms. Cerbone noted that the permittee inspects the premises and would have sent violation notices to the CDD, if needed.

This item will be removed from future agendas.

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

- **NEXT MEETING DATE: May 4, 2023 at 10:30 AM**
 - **QUORUM CHECK**

For budget purposes, Ms. Sanchez asked if the Board plans to transfer Field Operations to the CDD. Mr. Marquardt stated the field operation items should be kept as is and the Fiscal Year 2024 budget should include reserves, lake bank remediation and GIS mapping.

ELEVENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Hill and seconded by Ms. Harmon, with all in favor, the meeting adjourned at 11:46 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair