

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

The Board of Supervisors of the Naples Reserve Community Development District held a Regular Meeting on October 5, 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
Deborah Lee Godfrey	Vice Chair
Anna Harmon	Assistant Secretary
Lisa Wild	Assistant Secretary
Greg Inez	Assistant Secretary

Also present were:

Jamie Sanchez	District Manager
Shane Willis	Operations Manager
Meagan Magaldi	District Counsel
Terry Cole	District Engineer
Jack Lincoln	Resident
Heidi McIntyre	Resident
Other Resident(s)	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

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

SECOND ORDER OF BUSINESS

Public Comments

Resident Jack Lincoln discussed tall weeds and dry grass around the lake behind his home, which he thinks is a fire hazard. He asked what will be done about it, as he has complained numerous times and sent three emails during the past year and received no response. Mr. Marquardt stated landscaping is an HOA issue. The Developer was responsible for grading the shorelines to create a 4:1 ratio slope before the builders came in. In many cases, the builders redistributed the dirt, changing the slope. About a year ago, after it was cleared and upon determining that the slope was not the proper ratio, areas that were out of

compliance were re-graded at the CDD's expense. The grade is still too sharp for a zero-turning lawnmower to access the area; the weeds were cut several times. The CDD will be responsible for clearing the weeds. This topic will be discussed today.

Mr. Willis stated that he responded to Mr. Lincoln's his email on August 18, 2023.

Mr. Marquardt stated, as the water rises, the weeds will be covered and, as it recedes, they will be exposed.

Mr. Lincoln stated he spent three hours weed eating the weeds. Mr. Willis stated property owners can maintain landscaping on their own property only. The littoral area is governed by the South Florida Water Management District (SFWMD) and the State permits only allow licensed aquatic specialists to enter that zone and treat the weeds. Technically, the CDD can be fined if non-licensed persons treat the littorals. He asked Mr. Lincoln not to enter the littoral zone and stated the issues will be addressed.

A Board Member stated Superior Lake Management (Superior) sprayed and Superior asked that the plants not be cut so the spray can travel down to the root; cutting the weeds interrupts the weed-killing process. Mr. Willis stated cutting the weeds releases a nutrient load into the water, which causes algae. He asked residents to refrain from cutting the weeds.

Ms. Godfrey noted that there are two issues; one is the lake bank and the other is the areas from the lake bank to the berm. Both will be addressed.

Mr. Inez joined the meeting at 10:38 a.m.

THIRD ORDER OF BUSINESS

Chair's Opening Remarks

Mr. Marquardt stated the hope is that Crawford can at least take one more pass and remove the top portion of growth at the CDD's expense. Mr. Willis requested a proposal and, if not received soon or it is too expensive, additional proposals will be requested. Mr. Willis thinks, given the length of the shorelines and the extent of the issue, going out to bid is a good idea. Every lake requires maintenance from the water level to the lake maintenance easement.

Mr. Cole stated the area measures 20' by the miles and miles of shoreline.

Mr. Marquardt noted that most homeowners are concerned about what they can see.

Mr. Cole stated the CDD has many miles of shoreline and some areas in the lake maintenance easement are being maintained.

Discussion ensued regarding the extent of the issues in the areas that are affected.

Mr. Marquardt stated the HOA voluntarily cuts the areas the mowers can access.

A Board Member expressed concern about homeowners submitting dock applications to the HOA and suggested a visual inspection before approval due to slope issues.

Discussion ensued regarding the dock approval process.

Mr. Cole discussed the history of Lake 24, which is the large lake in the middle with the island, and Lake 21, which is the large lake at the north end. He noted the following:

- Lots abutting Lakes 21 and 24 have a swale in the back; water must drain into the swale and flow through internal lakes, receive treatment and then be discharged into these lakes.
- Lakes 21 and 24 are not stormwater lakes, they are permitted and designed as recreational lakes or receding water lakes.
- Some swale areas are not very deep but they are functioning. Some repair work and inspections were done in areas in the past; at the time, the areas were not too bad. Crawford alleges that these areas are too rough to access and that might be accurate.
- The HOA cut the grasses to allow for the first inspection and it will need to be cut again for a good inspection to be conducted. A proposal to repair these areas can then be obtained.
- Two or three years ago, an area along the northwest side of Lake 24 was identified. Some erosion is present but it is no worse or different than it was three years ago.

Mr. Cole stated Hurricane Ian hit the northeast corner and those repairs were recently completed. He opined that this erosion can be monitored but it does not require immediate repair. He noted that the reserves of approximately \$150,000 could be used if the Board chooses to proceed with the repairs that are needed right now. He thinks it is unlikely that Stock Development will perform these repairs. He recommended cutting the grass, inspecting the area and obtaining a proposal for the repairs.

Mr. Cole stated, with all the miles and miles of lakes, the HOA must be performing maintenance. It was agreed that the HOA is performing maintenance. Mr. Cole recalled that maintenance transitioned from the CDD to the HOA within the last year or so and noted that the CDD should technically be paying for the maintenance rather than the HOA. Mr. Marquardt stated the HOA generously indicated that it will maintain those areas as long as they can access the areas. Mr. Cole noted that the homeowners will pay one way or another, whether to the HOA or the CDD. He suggested defining which areas the CDD will cut and memorializing the specifics. Mr. Marquardt suggested a Memorandum of Understanding (MOU).

Mr. Willis stated those areas can be identified in the GIS System, color-coding the areas around the lakes. Ms. Magaldi stated an MOU is acceptable, with a map attached.

Ms. Godfrey noted that, once certain areas are fixed, those areas will not present an access issue.

Mr. Willis stated he will begin producing a monthly Lake Audit of selected lakes.

Mr. Cole circulated a diagram and discussed dock approval processes. He noted the need to install a 6" PVC pipe for drainage wherever the dock crosses the swale.

A Board Member stated homeowners requesting a dock are asked to follow the guidelines and specifications of the Master Plan.

Mr. Marquardt stated the riprap project on Lake 24 is complete. He and Mr. Bob Ferguson, along with the vendor, will do a final inspection of the area on October 6, 2023. He received inquiries about damaged sod. Mr. Mark Sandler stated he is very happy with the repairs. Mr. Willis stated some sod repairs are needed; in some areas, the grass is stressed and looks unsightly but, with time and watering, the grass will likely recover.

Mr. Marquardt believes Mr. Cole inspected 14737 Woodward Drive; this will be addressed during Mr. Cole's report.

FOURTH ORDER OF BUSINESS**Sunshine Law Refresher**

Ms. Sanchez provided the following reminders regarding the Sunshine Law:

- Board Members can only discuss CDD-related matters amongst themselves at a publicly held meeting. Individual Board Members can speak with Staff members at any time.
- Board Members cannot use a third party to communicate; caution should be used with social media and text messages. A message cannot be sent via a third party.
- Fact finding between two or more Board Members outside of a meeting regarding CDD matters is a violation of the Sunshine Law.

Discussion ensued regarding cautioning against using "Reply All" to CDD emails.

Ms. Sanchez stated District Management routinely includes a reminder in its emails advising Board Members not to use "Reply All". Mr. Willis noted that the key is no discussions should occur via "Reply All".

NAPLES RESERVE CDD

October 5, 2023

Discussion ensued regarding the formatting of the meeting invites to Board Members, the purpose of the CDD, issuance of bonds to fund infrastructure necessary for development, the eventual repayment of bonds and ongoing maintenance.

Ms. Sanchez stated she will provide feedback to District Management.

FIFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of August 31, 2023

Mr. Marquardt discussed Field Operations expenditures and noted that, while \$240,000 was budgeted in Fiscal Year 2023, \$295,000 was spent due to unanticipated expenses.

Ms. Sanchez noted that Ms. Magaldi will draft rules that the CDD can abide by to minimize expenses.

On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the Unaudited Financial Statements as of August 31, 2023, were accepted.

SIXTH ORDER OF BUSINESS

Approval of September 7, 2023 Public Hearings and Regular Meeting Minutes

The following changes were made:

Line 32: Change “Marquart” to “Marquardt”

Line 70: Change “sated” to “stated”

On MOTION by Mr. Marquardt and seconded by Mr. Inez, with all in favor, the September 7, 2023 Public Hearings and Regular Meeting Minutes, as amended, were approved.

SEVENTH ORDER OF BUSINESS

Other Business

A Board Member asked why the lake near Mallard, on the right-hand side exiting the community, is so much lower than the other lakes. He asked if there is a blocked pipe preventing the lake from filling.

Discussion ensued regarding the depth, location, slope and condition of the lake.

Mr. Cole stated, due to location and control elevations, some of the lakes cannot be dug very deep. He discussed the drought and stated it has been a very dry “wet season” and

indicated he will look into it. Mr. Willis noted that Florida has not had such a long, intense drought since 2012; when intense rains are received during these drought conditions, the water just runs off, rather than holding and soaking into the ground.

EIGHTH ORDER OF BUSINESS

Staff Reports

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

I. Draft Stormwater Management Rules and Policies

Ms. Magaldi apologized for the delay and stated the Draft Stormwater Management Rules and Policies will be presented at the next meeting.

This item will remain on the agenda.

B. District Engineer: Bowman Consulting Group LTD

Mr. Cole reported the following:

➤ As indicated in the photos distributed, three houses to the east of Jetty Lane have a rear swale that drains to a catch basin. Material from one home's pool construction partially blocked the catch basin and standing water is present as it cannot drain; re-grading is necessary.

Mr. Cole discussed the replatting and regrading of Jetty Drive and stated his opinion that surface drainage in the drainage easement is not the CDD's responsibility.

Ms. Magaldi stated the CDD is responsible for maintaining infrastructure and, in her opinion, this seems to be an above ground issue, which is a direct result of the homeowner.

Catch basins, adjacent lots, pool construction, drainage issues, regrading and the drainage easement, were discussed.

Mr. Cole stated the side lot issue is because there is apparently not enough fall between the high point of the lot to drain to the front, to the street or to the back to the swale. That is within the drainage easement but, in his opinion, the CDD's maintenance responsibility is the drainage pipe in the easement and not the above ground grading of the lot.

Asked if the CDD should grade the swale, Mr. Cole stated the CDD did not cause the problem; the first issue was caused by the pool builder and the second was likely because the builder or Developer did not build the lot correctly to drain to the front or the back of the lot.

Ms. Magaldi expressed concern about the CDD setting a precedent by making the repairs. She noted budgetary concerns and questioned whether the CDD has the easement rights to do the work.

Discussion ensued regarding the lots, drainage and a wider area to the east.

Mr. Cole suggested that yard drains could pipe the water to the catch basin rather than regrading the area. Ground mushiness is related to the grade between the lots; it is likely that 100 other lots have the same problem. He will request proposals for both solutions.

The consensus was that this is a maintenance issue.

Mr. Inez noted that the street in question is not on the map and asked if the map program will be accurate. Mr. Willis replied affirmatively; the program updates from the Property Appraiser every four to six weeks.

A property owner asked who is responsible for fixing drainage issues between houses. Mr. Marquardt thinks it will be the property owners' responsibility. If there is a way the CDD can engineer it, it would require equipment to cross over that path, as it is the access point, and then the CDD would need to fix any damage done by equipment used to develop a new drain or a new swale.

The property owner stated Crawford will not replace the sod until a recommendation is received from the CDD.

Asked if Crawford is responsible for replacing sod that was ignored all summer, Mr. Marquardt replied affirmatively. Property owners are responsible for creating drainage to alleviate the standing water.

Discussion ensued regarding similar issues in which homeowners regraded their lots, underground French drains to drain into the catch basin, CDD versus property owner responsibilities and the approval process for repairs and installations within the lake maintenance easement.

Mr. Cole provided his card and offered his assistance.

With regard to his previous comments advising residents that they cannot trim shoreline weeds, Mr. Willis clarified that he was referring to the CDD's littoral shelf, not the lake maintenance easement area.

Mr. Marquardt stated his intention to meet with Lakeshore Enterprises to inspect the lake work completed at the northeast corner of Lake 24. That includes costs homeowners paid for riprap.

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

I. Consideration of FL GIS Solutions, LLC, Professional Services Agreement

Mr. Willis presented the FL GIS Solutions, LLC, (FL GIS) Professional Services Agreement, which is unchanged since it was presented at a previous meeting. The expense was previously approved and budgeted; the program can be initiated in three weeks and information would be uploaded on an ongoing basis. The \$12,000 cost is a one-time charge; then, going forward, services would be on a billable hour basis at a charge of \$100 per hour. Residents would have access to the system at no charge, training and continuing education would be provided and a link would be included on the CDD website.

Ms. Magaldi stated she will include an Addendum to address public records and the E-Verify requirements.

On MOTION by Ms. Godfrey and seconded by Ms. Wild, with all in favor, the FL GIS Solutions, LLC, Professional Services Agreement, in a not-to-exceed amount of \$12,000 plus additional billable hours as necessary, and authorizing Staff to prepare an Addendum as described, were approved.

II. Monthly Report

Mr. Willis reported the following:

➤ Last weekend Superior was treating lakes and an equipment malfunction resulted in some dye spilling along the road and sidewalk. The areas were pressure washed within a few hours; the dye was removed with no damage to the roads. The cleanup was at the contractor’s expense. He inspected the area and found no damage to the roads or sidewalks and no complaints were received.

The consensus was that cleanup was satisfactory.

➤ An Operations Report is being developed and will be included in the next agenda. Each month, a select group of eight to ten lakes will be inspected and a summary and photographs will be included in the Lake Audit section of the Report. This will create a historical record of lake conditions.

Mr. Willis discussed Superior’s service and noted that Superior’s responsiveness has been very good but it will take some time to get the lakes to optimal condition. Sometimes weeds are cut and some weed treatments take a long time, as in the case of dog fennel, which has very long roots below ground. Once technicians determine treatment is complete, the weeds can be cut; the weeds can be unsightly while treatments are underway but the process requires patience to be successful.

Discussion ensued regarding production of a newsletter and examples of how other CDDs communicate with their residents.

Discussion ensued regarding utilizing the GIS maps program at meetings.

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

Ms. Sanchez recalled that, at the last meeting, the Board voted to send a letter to Stock Development regarding reimbursement to the CDD for payment for the removal of silt screens. She spoke with Ms. Wild offline and looked up invoices and found only two residences with Stock Development. No letter was drafted or sent.

Ms. Wild stated it involved Stock Development, DR Horton and Ashton Woods properties. The Stock Development properties totaled less than \$800 so sending a letter did not make sense.

- **NEXT MEETING DATE: December 7, 2023 at 10:30 AM**
 - **QUORUM CHECK**

The next meeting will be held on December 7, 2023, unless canceled. After that, the next meeting will be in February 2024. If necessary, a Special Meeting can be scheduled.

NINTH ORDER OF BUSINESS

Public Comments

Resident Heidi McIntyre asked about SOLitude’s maintenance of the preserve area and stated her belief that SOLitude was spraying the berm, in error, as Crawford treats that area. Mr. Marquardt stated that is an HOA issue. Mr. Willis noted that SOLitude only performs maintenance for the HOA, not the CDD.

Ms. McIntyre stated she reported a gushing sprinkler. Mr. Willis stated he will follow up with the HOA.

TENTH ORDER OF BUSINESS

Supervisors’ Requests


There were no Supervisors’ requests.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor, the meeting adjourned at 11:51 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair