

**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 14, 2024 at 10:00 a.m., at the Island Club at Naples Reserve, 14885 Naples Reserve Circle, Naples, Florida 34114.

Present were:

Thomas Marquardt
Anna Harmon
Lisa Wild
Gregory Inez

Chair
Assistant Secretary
Assistant Secretary
Assistant Secretary

Also present:

Jamie Sanchez
Shane Willis
Meagan Magaldi
Terry Cole
Andy Nott
William Koukios
Heidi McIntyre

District Manager
Operations Manager
District Counsel
District Engineer
Superior Waterways
Resident
Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 10:00 a.m.

Supervisors Marquardt, Harmon, Wild and Inez were present. Supervisor Godfrey was not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Chair's Opening Remarks

Mr. Marquardt stated he met with HOA President Heidi Devlin and her staff to discuss issues that involve both the HOA and the CDD. BrightView Landscaping (BrightView) agreed to cut the grass up to the “sod line” but anything beyond that point is the CDD’s responsibility. Under consideration was going from community to community examining what areas are inaccessible to determine what the CDD must cut. Mr. Willis will report on this and some matters concerning GreenPointe later in the meeting.

Mr. Marquardt stated that he and Ms. Devlin thought it best to coauthor the newsletter since there are some overlapping issues. He is preparing a draft of the newsletter; upon completion the draft will be forwarded to Ms. Sanchez.

- **Update: Superior Waterways**

This item was an addition to the agenda.

Mr. Nott discussed the following:

- Additional Plantings: After surveying the property, he recommends waiting until next season to install additional plantings, so that the high-water mark can be determined and a better plan formulated regarding where and how much to plant.
- Fishing Areas: The lakes do not have many potential fishing areas that are not in proximity to residences. Fishing areas must be on common areas; there are a few suitable areas in which technicians can install signs and spray frequently to keep the water clear and free of vegetation. If desired, he will provide a list of suitable locations.
- Spikerush: A plan for spraying spikerush back to a reasonable level, utilizing boats, is being developed. All spikerush cannot be removed, as the littoral shelves must remain. Reduction will be gradual, as over spraying leads to excessive amounts of dead plant material. Plans will be developed to address areas inaccessible by boat. This will be an ongoing effort.
- Lake Banks: A crew has been weed eating lake banks on Tuesday, Wednesday and today, and they will be back tomorrow. More trimming might be necessary in the future; a list of areas trimmed will be provided when complete. There are many gray areas and there are some slope issues. It is a learning process; crews are being cautious not to spray too high and cause erosion problems, rather than following resident requests about where to spray.

Discussion ensued regarding lake banks trimmed and areas in need of trimming.

Mr. Marquardt stated the CDD has been contracting with LandCare in the areas that BrightView's equipment cannot access; he thinks the Board should discuss whether to continue that contract.

Mr. Willis stated that the contract drafted by District Counsel is scheduled to be executed next week; it is for a one-time trimming based on the Board's guidance at the previous meeting. Currently, three teams are engaged, including Superior Waterways, LandCare and the HOA's new vendor, BrightView. After the initial cutting, Staff will evaluate whether to do any additional areas and whether to execute another contract with LandCare or a change order to another contract. Mr. Marquardt voiced his opinion that the areas should be maintained three to four times per year and that a long-term contract is needed and this should be handled as efficiently and inexpensively as possible.

Mr. Willis believes that SOLitude's failures and the 29" rain deficit, which seeded the lake banks and allowed excessive plant growth, were the main issues. He thinks that, in the rainy season, the weeds will likely be flooded out as water levels rise to the level of the sod, eliminating the 4' strip of weeds.

Mr. Nott noted that the high-water mark will also help determine what homeowners are responsible for and what the CDD is responsible for.

The consensus was that the lakes are currently well below the control elevation.

FOURTH ORDER OF BUSINESS

Update: Leeward Drainage Mitigation

- **Consideration of Napier Sprinkler, Inc. Proposal #e1378 [14749 Leeward Dr] Drainage Correction**

This item, previously Item 5C, was presented out of order.

Referring to a projected image, Mr. Cole identified an area where a pool was constructed and an existing swale was filled in with soil from the pool and/or the lanai construction, blocking the flow of water. He discussed the proposed solution and identified the locations of 12" square yard drains, elevations, small catch basins, pipes and connections in relation to the buffer area maintained by the CDD.

Mr. Cole responded to questions and presented a proposal from Napier Sprinkler totaling approximately \$23,710. He noted that the expense is significant, as a lot of grading is needed.

Mr. Marquardt asked who is responsible for the repairs, from a legal standpoint, given that the pool was installed by a property owner who no longer lives there. He asked if it is the CDD's responsibility or the responsibility of the current property owner.

Ms. Magaldi stated it is not the CDD's fault and she noted that the stormwater rules need to be considered.

Mr. Cole stated the filling in of the swale is limiting the stormwater system from functioning as it should. In this case, it is causing water to back up and not flow as it should; this particular case is affecting the two upstream lots to the left of the residence.

Mr. Marquardt asked if the CDD has any recourse to pursue a remedy with the pool installer. Ms. Magaldi stated it cannot because the CDD did not have a contract with the pool contractor; the original homeowner had the contract. Mr. Marquardt stated he is unwilling to pursue the property owner. Ms. Magaldi agreed that it is unfortunate but many communities are dealing with similar issues; in her opinion, the Board needs to balance property that needs to be fixed and the cost of repairs versus the CDD's budget. She stated that some communities are drafting rules whereby the CDD will identify problematic properties and it will unfortunately be the homeowner's responsibility to repair the problem.

A Board Member expressed their belief that the issue is not on the property owner's property.

Discussion ensued regarding the displayed GIS map.

Mr. Koukios stated that the day the dirt was dumped, he went to the Management Team to report it and provide photos. He stated that nothing was done and noted that he has had flooding and dirty water in his pool for two years; his opinion is that the CDD is responsible. He stated he submitted aerial and drone photos and documentation.

Mr. Marquardt stated he is very sympathetic.

Mr. Koukios voiced his opinion that the CDD is responsible because it was approved.

Mr. Marquardt observed that the County inspector noted such issues in the past but, in this case, no issue was raised.

The Board and Staff discussed the GIS images of the area in question and whether it is at least partially an HOA issue, given that it is affecting HOA property.

Discussion ensued regarding removal and regrading of dirt, permissions needed to work on HOA property and similar remediations in which dirt was placed in a common area and a swale was later restored.

The Board and Staff discussed requesting alternative proposals without drainage.

Ms. Magaldi feels that the first course of action should be to share the information with the HOA, given that it is an HOA matter since it is on HOA property. Mr. Marquardt stated he will schedule a call with Ms. Devlin.

FIFTH ORDER OF BUSINESS

Consideration of Napier Sprinkler, Inc. Proposals

A. Proposal #e1327 [14398 Laguna Springs] Grading Slope Correction

Referring to a projected image, Mr. Cole presented Napier Sprinkler, Inc. Proposal #e1327. He recalled that an initial proposal was presented last year and no action has been taken since high grasses were cut. It is unclear when this occurred but the lakes were sodded before homes were built and it is likely that some damage occurred due to Hurricane Irma.

Discussion ensued regarding the cost and suitability of the repair and the means of maintaining the area after repairs are completed.

Ms. Sanchez noted that funds are available in the “Other repairs and maintenance” line item.

The Board and Staff discussed the necessary repairs and contractors capable of maintaining the area after remediation.

This item was tabled pending receipt of additional proposals for consideration.

B. Proposal #e1350 [14266 Galley Ct] Grading Slope Correction

Napier Sprinkler, Inc. Proposal #e1350 was discussed.

This item was tabled pending receipt of additional proposals for consideration.

C. Proposal #e1378 [14749 Leeward Dr] Drainage Correction

This item was discussed during the Fourth Order of Business.

SIXTH ORDER OF BUSINESS**Discussion: Storm Drains**

Mr. Marquardt stated, in discussing storm drains with Ms. Devlin, they were surprised to learn that some storm drains are located on HOA property, such as in the Island Club parking lot. While maintaining those is the HOA's responsibility, this is not the HOA's area of expertise. He agrees with the concept that the CDD should take charge of the storm drains but questioned at what cost. While the storm drains might be on HOA property, the drain lines eventually go to CDD lakes and CDD pipes. He suggested that a discussion is needed, from legal and engineering standpoints, and a Memorandum of Understanding might be needed, because it makes sense for the CDD to address issues that arise.

Mr. Cole stated the Clubhouse storm drain is an example like some others that are not dedicated to the CDD on the plat.

Mr. Willis stated that he will have Mr. Phillips correct the GIS map, where the catch basin on Stern Way is incorrectly shown on Stillwater Way. He noted that the drain is plotted to the HOA and the drainage is not being maintained. Additionally, much like on Leeward, a swale was altered in the past so the grade is wrong, which is causing drainage to back up into residents' yards. It was noted that the drain is on HOA property.

Ms. Magaldi pointed out that whether CDD bonds were used to acquire these pipes must also be considered and, if so, they are CDD property. She believes a comprehensive audit/analysis of the storm pipes is needed because the CDD can only maintain assets that it owns. If it is defective, the CDD can maintain it on behalf of the HOA as long as the HOA reimburses the CDD.

Asked if the pipes were purchased using bond funds, Mr. Cole stated he believes that the pipe connecting the two lakes in the Leeward area was probably paid for by the CDD; however, a pipe from the HOA area to the street behind the lots was not necessarily paid for by the CDD.

The Board and Staff discussed the need to determine HOA and CDD ownership of pipes.

Mr. Willis noted that, generally, interconnecting pipes between two CDD lakes are owned by the CDD and drainage structures to another area or street drain are generally owned by the HOA since those pipes are not part of the stormwater system.

Ms. Wild noted that the HOA just completed drainage work on Naples Reserve Boulevard. She voiced her opinion that the HOA just needs to know where the other drains are. She has not observed the HOA maintaining any storm drains in the past four years. Mr. Marquardt stated that Ms. Devlin is now aware of the HOA’s responsibility for maintaining the HOA’s storm drains; the CDD referred vendors that the HOA can engage directly.

Mr. Marquardt stated the subject of responsibility for storm drains will be discussed during his phone call with Ms. Devlin. Mr. Willis stated he will work to develop a list in the coming weeks.

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2024

Ms. Sanchez presented the Unaudited Financial Statements as of January 31, 2024.

Regarding lake bank remediation, it was noted that two funds are available for lake bank issues; under Field Operations, \$150,000 is budgeted for “Other repairs and maintenance” and under Fund Balance, over \$240,000 is assigned specifically for “Lake bank remediation” work.

On MOTION by Mr. Marquardt and seconded by Ms. Wild, with all in favor, the Unaudited Financial Statements as of January 31, 2024, were accepted.

EIGHTH ORDER OF BUSINESS

Approval of February 1, 2024 Regular Meeting Minutes

Ms. Sanchez presented the February 1, 2024 Regular Meeting Minutes. The following changes were made:

Lines 275, 278 and 279: Change “Pokius” to “Koukios”

On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor, the February 1, 2024 Regular Meeting Minutes, as amended, were approved.

NINTH ORDER OF BUSINESS**Other Business**

Ms. Wild stated, because she is no longer on the Design Review Committee (DRC), she has trained the HOA office to request easement agreements because of some separation of duties at the DRC. She feels it is important for the CDD to review the requests before approval is given due to the potential for a conflicting ruling. She stated that a resident's request to extend a fence 1.5' into the 5' irrigation easement was denied but the resident did not comply and installed the fence anyway, without cementing it in. The County advised that they will not approve the fence or issue a Certificate of Occupancy (CO) for the fence without the approval of the HOA and CDD. The HOA already said no and, because the County asked for a letter, it is unclear that the letter of decision was sent from the HOA to the CDD.

Discussion ensued regarding the request, DRC processes and the home, which is on the preserve side.

Mr. Willis noted that lake access issues can be a major problem. Ms. Sanchez stated the CDD would typically receive a letter once the DRC approves a request. Ms. Wild stated, in the past, requests that were approved were 1" to 3", not measured in feet. The consensus was that the CDD should defer to the HOA to make the initial decision and submit only requests to the CDD. Ms. Magaldi noted that approval from the DRC should be received before the CDD prepares any Encroachment Agreement. Ms. Sanchez stated her office will be informed not to proceed without approval from the DRC.

TENTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: Coleman, Yovanovich & Koester, P.A.**

Ms. Magaldi stated the current legislative session is being monitored and updates will be provided regarding matters that pertain to CDDs.

- **Draft Stormwater Management Rules and Policies**

Ms. Magaldi presented the Stormwater Management Rules and Policies, noting that they address responsibility for making repairs and paying for repairs. She stated that some rules

might be changed; for example, to allow the Board to identify specific properties with drainage issues and to require the property owners to make the repairs. She asked if it is contemplated that the HOA and the CDD will work together to develop these rules and plans and the approval of downspouts and gutters. Mr. Marquardt replied affirmatively.

Mr. Willis stated that schematics for installation of downspouts and drains are routinely provided in other CDDs. Ms. Harmon suggested providing a list of recommended vendors. Mr. Willis stated that a typical informational letter includes recommended fixes, a schematic and three vendors that the CDD has used in the past.

Ms. Magaldi asked if the CDD wants to assume all costs or to pass the costs along to the homeowners. Mr. Marquardt stated it depends. Ms. Magaldi stated there might be cases in which the repair would tie into CDD infrastructure.

Mr. Marquardt noted that, if the CDD supervises the project and works with the vendor, the project is supervised. Mr. Willis stated the projects have been done both ways; in some cases, residents have not paid and, in those instances, the CDD does not get reimbursed for payments. Ms. Magaldi stated the CDD can make rules and policies that can be enforced; the HOA has a better chance of reimbursement by placing a lien on property.

Ms. Magaldi believes the draft rules can be revised to allow the District Engineer to identify problematic properties. The CDD or the homeowner could pay for repairs and homeowners could be encouraged to be proactive.

Mr. Marquardt thinks some issues must be addressed on a case-by-case basis.

Ms. Magaldi stated she will revise the document and forward it to Ms. Sanchez.

Ms. Sanchez stated she will forward Ms. Godfrey's edits to the document.

B. District Engineer: Bowman Consulting Group LTD

Ms. Sanchez stated she provided the Board Members with the letter requested at the last meeting, with Ms. Magaldi's edits and modifications.

Mr. Cole presented the letters that homeowners would receive regarding issues identified on their lot. He thanked Ms. Magaldi for her assistance. It was noted that the letters will be utilized following the Lake Audit.

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

- **Monthly Report**
- **Proposal/Treatment Plan to Better Manage Lakes**

Mr. Willis stated that Philip built the structure of the GIS mapping system. He demonstrated the functional use of the system, noting that additional information will be added as Mr. Nott completes his assessments; plantings required by the LDO will be marked. Additional information will be added, along with the system links to the Collier County Property Appraiser's information. Mr. Marquardt noted that easements should be included and asked for a proposal for consideration.

Mr. Willis distributed a presentation about littorals, which provide more than just beautiful scenery. He explained that littorals are essential features and a key indicator of environmental health. The littoral zone is known as a "littoral shelf" and they provide a healthy aquatic ecosystem. In addition to nurturing communities of fish and wildlife, littoral zones foster biological bacteria, which is good for the lakes because it eats algae. Wildlife, such as zoo plankton and other organisms, serve a critical role in the foundation of the food web. Littoral areas are also the first line of defense against nutrient pollution; their purpose is to catch the runoff and sediment before it enters the lakes and catch nutrients and allow them to settle before water flows to the outfall. As phosphorus and nitrogen flow to the water during rainstorms, they are intercepted by native plants and used as fuel by those plants, preventing water stagnation, cloudiness, bad odors and muck. The biological bacteria at lake bottoms eats the muck; when a muck layer forms at the bottom of some lakes, bacteria can be injected to help prevent algae growth. Littoral zones fill the space that joins water to land, stabilizing lake banks and preventing chronic erosion problems, usually over time. It can take 30 years to get the look and feel of a natural lake.

Ms. Harmon asked if the information can be posted on the CDD website. Ms. Sanchez stated that the CDD website is very limited in what can easily be posted due to the Americans with Disabilities (ADA) compliance requirements. The consensus was to post it on the HOA website.

The Board and Staff thanked Mr. Willis for the presentation.

Ms. Wild recalled that the Mosquito Control District advised that it will provide mosquito fish for the lakes. Mr. Willis believes the fish would be provided but at a cost.

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

- **NEXT MEETING DATE: May 9, 2024 at 10:00 AM**
 - **QUORUM CHECK**

The next meeting will be held on May 9, 2024. The proposed Fiscal Year 2025 budget will be discussed in May and presented for consideration in June.

ELEVENTH ORDER OF BUSINESS

Public Comments

Resident Heidi McIntyre asked how the SFWMD determines how deep the littoral shelf should be. Mr. Willis stated the general rule is that the littoral shelf should be 15' off the lake bank and a ribbon approximately 4' to 5' wide. Ms. McIntyre recalled discussion about developing fishing areas. It was noted that common areas will be considered for fishing, rather than clearing out waterways behind residences for fishing.

TWELFTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Marquardt and seconded by Ms. Wild, with all in favor, the meeting adjourned at 11:24 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair