

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

The Board of Supervisors of the Naples Reserve Community Development District held a Regular Meeting on May 9, 2024 at 10:00 a.m., at the Island Club at Naples Reserve, 14885 Naples Reserve Circle, Naples, Florida 34114.

Present were:

Thomas Marquardt	Chair
Anna Harmon	Assistant Secretary
Lisa Wild	Assistant Secretary

Also present:

Jamie Sanchez	District Manager
Shane Willis	Operations Manager
Meagan Magaldi (via telephone)	District Counsel
Terry Cole (via telephone)	District Engineer
Andy Nott	Superior Waterways
Heidi McIntyre	Resident
Sue Michels	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 10:02 a.m. Supervisors Marquardt, Harmon and Wild were present. Supervisors Godfrey and Inez were absent.

SECOND ORDER OF BUSINESS

Public Comments

Resident Heidi McIntyre asked to defer her comments about the ponds until that agenda item. The Board agreed to open public comments during the Ninth Order of Business.

THIRD ORDER OF BUSINESS

Chair's Opening Remarks

Mr. Marquardt provided the following updates:

➤ He, HOA President Heidi Devlin and Ms. Magaldi discussed the role of the CDD and liability concerns of swimmers in the big lake. The HOA requires those using the water vessels to sign a waiver, which helps absolve the HOA of liability. Regarding anyone jumping in the

water, the CDD has “No Swimming Allowed” signs posted throughout the community. They are correcting the code, to read “No Swimming Allowed in the Big Lakes”.

Mr. Marquardt asked Ms. Magaldi if the CDD needs to do anything in addition to posting signage. Ms. Magaldi stated that this is not a clear-cut matter, it hinges on the point of 1) does the CDD have a duty, 2) was that duty breached and 3) was the breach the proximate cause of that injury. Also, whether the CDD has warning signs in place and knows of individuals who are swimming. There are other points with regard to wild animals and liability. She believes, if this becomes a reoccurring issue, the CDD might need to revisit it.

Mr. Willis stated that, typically, in other CDDs, the CDD Rules are emailed to the HOA to include in the newsletter, “no swimming” language is added to the guest passes and, if they can identify the violator, the homeowner is fined.

Discussion ensued regarding the current CDD signage in public places and the CDD inability to enforce the Rules.

- Newsletter: Mr. Marquardt agreed to place “no swimming” language in the newsletter.
- The HOA and the Design Review Committee (DRC) are reviewing the proposed downspouts and gutter plans and, upon approval, the final form will be placed in the newsletter and distributed to residents. They also agreed to review and approve future resident requests.
- He likes the idea of adding “no swimming” to the guest pass and will pass this along to the HOA. Another suggestion was to add “Do not feed the wildlife” language to the guest pass.

Mr. Marquardt discussed a complaint allegation about an alligator being “slaughtered” in one of the smaller lakes. The HOA wanted to pursue the person spraying the lakes but he advised the HOA that this is a CDD matter. The technician explained the situation to him and Mr. Willis confirm that the alligator was still alive and chasing fish; the alligator just swam into the dye, which is 100% safe for lakes and made of all natural ingredients.

FOURTH ORDER OF BUSINESS

Consideration of Napier Sprinkler, Inc. Proposals

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

Mr. Willis stated that he was unable to obtain additional proposals; MRI was too busy to submit a proposal in time and Anchor Marine politely declined. Asked about BrightView Landscaping’s (BrightView) capability, Mr. Marquardt stated that BrightView would subcontract the project, as they do not have the equipment necessary for a project of this size.

Mr. Marquardt asked for Mr. Cole’s input on this and the next proposal. Mr. Cole recommended proceeding with Napier Sprinkler, Inc. (Napier) for the project; he deems them responsive and responsible and Napier has done a “good job” on many CDD projects.

Discussion ensued regarding the recommendation to commence the project now since the CDD permit is not in compliance. It was noted that the CDD has no recourse to pursue the homeowner or Developer for the costs and proceeding with litigation would be long and costly.

Mr. Marquardt asked Staff to notify affected homeowners of the upcoming project and the scope of work. It was noted that this involves ten homes, not nine. Mr. Marquardt asked Staff to update the GIS map to identify the location of the ten properties. Mr. Willis stated that he and Mr. Cole will work on the map, have the proposal adjusted and schedule work.

On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor, Napier Sprinkler, Inc. Proposal #e1327 for Grading Slope Correction at 14398 Laguna Springs, in a not-to-exceed amount of \$39,600, subject to the project being completed before the end of Fical Year 2024, was approved.

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

Mr. Marquardt stated that he will include the purpose of the project in the newsletter.

On MOTION by Mr. Marquardt and seconded by Ms. Wild, with all in favor, Napier Sprinkler, Inc. Proposal #e1350 for Grading Slope Correction at 14266 Galley Ct, in a not-to-exceed amount of \$67,800, subject to the project being completed before the end of Fical Year 2024, was approved

FIFTH ORDER OF BUSINESS

Discussion: Fiscal Year 2025 Proposed Budget

The Board and Staff reviewed the adopted Fiscal Year 2024 budget and discussed potential changes for Fiscal Year 2025, including the “insurance”, “GIS solutions” and “Lake maintenance/water quality” budget line item amounts. The changes might increase assessments. The proposed Fiscal Year 2025 budget will be presented at the next meeting.

SIXTH ORDER OF BUSINESS

Discussion: Removal of Grasses on Case-by-Case Basis

Mr. Marquardt discussed the current policy of trimming grasses but not removing any unless homeowners request it so they can fish. He asked if the Board thinks the policy is too strict and if requests should be considered on a case-by-case basis but not be considered for aesthetic reasons. He is sympathetic to 14358 Laguna Springs Lane resident who took measures on the grading, when constructing the infinity pool, but the littoral grasses are now overgrown.

Ms. Sanchez stated that a map of the lakes is behind Tab B.

Resident Sue Michels referred to the map and photographs of Lake 7. She asked about relocating the littorals by the waterline so she is able to fish in the lake behind her residence.

Discussion ensued about a recommendation to treat all spike rush to prevent it from growing past the water line and slow regrowth, placing signs identifying fishing areas and possibly trimming the spike rush aggressively, while the District Engineer determines the ability to relocate the littoral shelf, which will require modifying the LDO permit.

Mr. Willis thinks the Board needs to make decisions about identifying fishing areas and how to handle infinity pools, on a case-by-case basis, which will allow the technician to remove the littorals behind residences to comply with the infinity pool request.

Mr. Nott agreed with Mr. Marquardt about cutting back the spike rush at 14358 Laguna Springs Lane to determine the necessary maintenance frequency. Mr. Marquardt recalled Mr. Barrow having the same issue. He reiterated his thoughts about considering requests on a case-by-case basis, as long as it does not jeopardize the littoral shelves or cause shoreline erosion. Mr. Willis stated that most CDDs identify the fishing areas and infinity pools and add them to the GIS mapping program.

Mr. Cole reviewed the approved plans for Naples Reserve Phase 1 and the aerial. It shows compliance with the required littoral amounts for all the lakes within the Phase 1 project, which includes Lake 7, with 256,189 square feet of littorals.

Mr. Marquardt summarized the next steps of aggressively cutting back the littorals, including Laguna Springs Lane, to see if it satisfies the resident's request.

In response to a question of whether the technicians are spraying the rocks on the island, Mr. Nott reviewed protocols. Mr. Willis stated that littorals above the high-water mark are on HOA property.

Mr. Willis stated that the title of this agenda line item should be “Consideration of Trimming Grasses and Weeds”.

Mr. Willis presented the Superior Waterway Services Service Agreement to trim grasses/weeds, on an as-needed basis. Mr. Nott will be able to calculate how many feet can be trimmed in a day, once a few areas are completed. Mr. Willis stated that the cost is \$2,000 less than what the CDD paid LandCare.

Ms. Sanchez will verify if additional funds need to be added to the budget line item for Fiscal Year 2025.

On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor, the Supervisor Waterway Services, Inc. Service Agreement to trim grasses/weeds on lake bank areas between the yards and the high-water mark, in a daily not-to-exceed amount of \$2,800, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of M.R.I. Construction Inc. Proposal #468 [Clean and Replace Rip Rap at 14508 Stern Way Drainage Structure

This item was presented following the Tenth Order of Business.

NINTH ORDER OF BUSINESS

Discussion: Supervisor Waterway Services, Inc. Lake Treatment Report [March – April 17, 2024]

The Supervisor Waterway Services, Inc. Lake Treatment Report was included for informational purposes.

Mr. Nott stated that crews were on site spraying the lakes and littorals, in addition to the regular technician, to help stay ahead of overgrowth; they will help the technician periodically, as needed.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2024

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

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

- **Consideration of M.R.I. Construction Inc. Proposal #468 [Clean and Replace Rip Rap at 14508 Stern Way Drainage Structure]**

This item, previously the Eighth Order of Business, was presented out of Order.

Mr. Marquardt asked if this is a CDD matter. Mr. Willis replied affirmatively and noted that Mr. Cole researched and confirmed that this is a CDD structure, not an HOA structure; the HOA owns the drainage swale. Mr. Nott stated that this area has not been maintained, as the CDD and HOA each thought the other was maintaining it. Mr. Willis thinks work might help water free flow into the drain but, in his opinion, the cause of flooding behind the residence is because the drainage swale was altered.

A standard form of Agreement will be prepared and the vendor will provide a revised proposal that includes warranty terms.

On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor, M.R.I. Construction Inc. Proposal #468, as amended, to Clean and Replace the Rip Rap at the Drainage Structure at 14508 Stern Way, in a not-to-exceed amount of \$6,800, was approved.

ELEVENTH ORDER OF BUSINESS

Approval of March 14, 2024 Regular Meeting Minutes

Ms. Sanchez stated that she did not receive any edits to the minutes.

On MOTION by Ms. Wild and seconded by Mr. Marquardt, with all in favor, the March 14, 2024 Regular Meeting Minutes, as presented, were approved.

TWELFTH ORDER OF BUSINESS

Other Business

There was no other business.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

- **Draft Stormwater Management Rules and Policies**

Ms. Magaldi stated that she is still working on the draft stormwater rules and policies and will email the final updated version to everyone to review and submit their comments prior to the next meeting.

B. District Engineer: Bowman Consulting Group LTD

Mr. Cole reviewed the plans and informed the Board that the entry road is a dry retention area. Mr. Marquardt asked for information supporting this so he can forward it to Heidi. He asked for "Continued Discussion: Removal of Grasses" to be on the next agenda.

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

- **Monthly Report**

The Field Operations Report was included for informational purposes.

Mr. Willis noted May 9, 2024 is the correct date of the Report, not March 9, 2024.

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

- **NEXT MEETING DATE: June 13, 2024 at 10:00 AM [Presentation of FY2025 Proposed Budget]**

- **QUORUM CHECK**

The next meeting will be held on June 13, 2024. The proposed Fiscal Year 2025 budget will be discussed and presented for consideration in June.

Ms. Sanchez briefed the Board on the ethics training requirement and about registering with the Florida Commission on Ethics to file Form 1 electronically. Ms. Magaldi will email the link to Ms. Sanchez to email to the Board.

FOURTEENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

FIFTEENTH ORDER OF BUSINESS

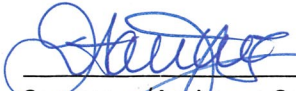
Supervisors' Requests

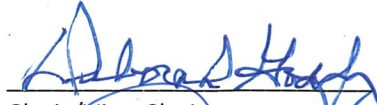
There were no Supervisors' requests.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Harmon and seconded by Mr. Marquardt, with all in favor, the meeting adjourned at 11:16 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair