

**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 8, 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
Gregory Inez	Assistant Secretary

**Also present:**

Jamie Sanchez	District Manager
Shane Willis	Operations Manager
Meagan Magaldi	District Counsel
Terry Cole (via telephone)	District Engineer
Andy Nott	Superior Waterways
Lauren Villarreal (via telephone)	Carr, Riggs & Ingram, LLC
Stephanie Re	Resident
Kevin McCarthy	Resident
Heidi McIntyre	Resident
Alecia Yancik	Resident and Chair of the Design Review Committee (DRC)

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Sanchez called the meeting to order at 10:08 a.m.

Supervisors Marquardt, Wild, Inez and Harmon were present. Supervisor Godfrey was absent.

**SECOND ORDER OF BUSINESS**

**Public Comments**

Ms. Sanchez reviewed the procedures for Public Comments.

Resident Stephanie Re asked if the lakes can be lowered by pumping water out, if necessary. Mr. Marquardt stated that he will address this during his opening remarks.

**THIRD ORDER OF BUSINESS****Chair's Opening Remarks**

Mr. Marquardt stated that he received several calls regarding water levels following heavy rains; the stormwater management system is working as designed. Lakes rise and fall at the same level; during heavy rains the water sits in swales until it can drain. Weirs naturally dispose of water over time; when water crests over the structure it drains into the drain field over 41. He asked Mr. Cole to discuss any additional measures that can be taken.

Mr. Cole stated the system, including the roadway, perimeter berms and swales along the back of lots, are designed to handle a three-day, 25-year storm. House elevations are designed at either minimum Federal Emergency Management Agency (FEMA) elevations or the 100-year zero discharge elevation. Stormwater disperses after storm events over time via gravity; standing water in swales is expected due to high lake levels. The system is working, as water levels are falling. Mr. Willis and Mr. Cole stated that roadway and berm flooding shows that the system works as designed, preventing homes and structures from flooding.

Mr. Marquardt asked if the system was approved by the South Florida Water Management District (SFWMD) and if any alterations to the system would require SFWMD approval. Mr. Cole replied affirmatively. Asked if a second weir would allow water to drain faster, Mr. Cole replied no; the weir drains at the maximum allowable discharge rate based on Collier County guidelines.

Discussion ensued regarding drainage over time, the SFWMD restrictions to allowable discharge rates to prevent flooding downstream, the location of the weir, concerns about flow being released from Lake Okeechobee and roadway flooding.

Mr. Marquardt stated that an aerator on Lake 4 for which noise complaints were received was moved to an open area of property. The noise complaints were resolved, but the aerator has repeatedly been turned off. Staff will ensure that the unit is secured and locked.

Mr. Marquardt asked Mr. Willis if the property with the drained pool was inspected. Mr. Willis replied affirmatively; he will discuss this when the stormwater rules are discussed.

- **Presentation of Audited Financial Statements for the Fiscal Year Ended September 30, 2023, Prepared by Carr, Riggs & Ingram, LLC**

**This item, previously the Twelfth Order of Business, was presented out of order.**

Ms. Villarreal presented the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2023 and accompanying disclosures. There were no findings, recommendations, irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit.

Discussion ensued regarding Note 8, on Page 24, related to assessments to the Developer totaling \$39,871. Ms. Sanchez will research it and report her findings to the Board.

- **Consideration of Resolution 2024-04, Hereby Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2023**

**This item, previously the Thirteenth Order of Business, was presented out of order.**

**On MOTION by Mr. Marquardt and seconded by Ms. Harmon, with all in favor, Resolution 2024-04, Hereby Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2023, contingent upon clarification of the item related to Note 8, was adopted.**

**FOURTH ORDER OF BUSINESS**

**Presentation of Annual Quality Assurance Audit: Lake Maintenance**

Ms. Sanchez stated the Board asked to keep this item and the backup on the agenda.

Mr. Willis presented the report and stated that some formatting changes will be made to condense the Report. It was noted that the Report could be posted on the CDD website but, due to ADA requirements, it can take some time and be expensive to make it compliant for the website; the HOA might be able to email it to residents which might be a quicker method.

Mr. Willis will forward the condensed report to Mr. Marquardt. He noted that compliance issues have been resolved and pertain to the lake management contract agreement, not with the SFWMD permits.

- **Discussion: Lake Bank Easement**

Ms. Sanchez stated that Ms. Godfrey spoke with the HOA regarding this issue, which was discussed at the last meeting, regarding a gate the HOA installed for which an easement was not requested from the CDD. Ms. Magaldi suggested a survey be obtained before proceeding; the HOA advised that it prefers to have a Letter of No Objection (LONO) in place. If the CDD would like a survey and necessary documentation, the HOA prefers the CDD take the necessary steps and bill the HOA.

The Board and Staff discussed the areas of the fence, the easement in question, the need to preserve easement access for lake maintenance and whether to require the HOA to remove the fence from the easement.

Resident and Chair of the Design Review Committee (DRC) Alecia Yancik asked how the DRC can tell homeowners they cannot install structures in the easement while allowing the HOA to do so. She stated that she does not support issuance of a LONO.

Mr. Marquardt discussed the need for the CDD and the HOA to work together for the community's benefit and stated he supports considering whether the application would have been approved if application had been made. Ms. Magaldi stated her preference is to follow the procedure used with property owners; she suggested tailoring the Encroachment Agreement and establishing responsibility for maintenance.

Mr. Willis supports documenting the matter and including the survey and the legal description for future reference to rule out any future property disputes. He noted that the permit likely does not extend into the water.

Mr. Marquardt stated the CDD's position will be that it needs to follow the same procedure that apply to property owners.

Discussion ensued regarding liability, the need for pedestrians to go around the fence, rising water levels and restricting access in the vicinity of the gate.

Mr. Marquardt noted that the gate was designed assuming that water levels would not come up; the CDD's options include rejecting, modifying or allowing the request.

Ms. Sanchez will respond to the HOA.

- **Discussion: Fence at 14880 Edgewater Circle**

Ms. Sanchez reminded the Board of previous discussions related to a request for an Easement Use Agreement (EUA) for a fence to be installed. Ms. Wild received a call from Mr. Don Harris, of the DRC, regarding a proposed fence in the lake maintenance easement.

The Board and Staff discussed the case of the homeowner at 14884 Edgewater Circle wishing to install a fence and a neighbor at 14880 Edgewater Circle that had a fence installed that encroaches on the Lake Maintenance Easement (LME) before the DRC was established. The DRC has always been instructed not to allow structures of any kind in the LME and this is no exception. The concern now is that the homeowner at 14880 does not have an EUA, nor was construction stopped by the County.

Discussion ensued regarding the new request, the survey of the existing fence, precedents related to previous LMEs and EUAs and permit approvals.

Ms. Yancik discussed DRC processes and discussions with homeowners and stated that the applicant agreed to reduce their fence to avoid encroachment. Mr. Willis stated that a sale of a property cannot proceed until encroachments are resolved.

Mr. Marquardt discussed previous precedents in such matters, including a property owner who was required to move their existing pool. He stated the consensus seems to be that the current request should be restricted private property and not be permitted to encroach on the LME; the question is what should be done about the violator. It was noted that other properties have encroachments; however, a 10' encroachment is egregious.

Setting a precedent, the need for the lake management contractor to be able to access the lake and the benefits of the EUA, were discussed.

Mr. Marquardt stated that Ms. Yancik and the DRC are helping by proactively preventing future violations. Ms. Yancik stated the DRC supports consistency, transparency and visibility and discussed the possibility of establishing a grandfathered date for such issues. It was noted that the County did not file a Corrections Letter in this case.

Ms. Sanchez stated that Staff will prepare an Encroachment Agreement; she will inform the homeowner to apply.

**FIFTH ORDER OF BUSINESS****Continued Discussion: Lake Littorals Management – Spike Rush and Other Littorals**

Ms. Sanchez stated that discussion about the entry road being a dry retention area (DRA) was deferred at the last meeting so that it could be discussed when Mr. Marquardt is present. Mr. Willis believes that the Board was asking him to prepare a plan for littoral plantings in the community and if littoral plantings are needed at Cannon Lake. He stated that he does not believe littorals are needed at that lake. Board Members were in agreement.

Ms. Sanchez stated that, with regard to Spike Rush, the Board agreed with Mr. Willis' recommendation to maintain Spike Rush no more than 10' to 15' out from the shoreline. Mr. Willis stated that Spike Rush serves as a filter in these areas. Mr. Nott stated that as a rule of thumb the maximum width will be 15'. Mr. Willis stated that this work would not apply to lakes with littoral shelves, such as Lake 3, which present different lake management issues.

**SIXTH ORDER OF BUSINESS**

**Continued Discussion: Shoreline Erosion at  
14695 Kelson Circle**

Ms. Sanchez stated that this residence was not previously included on the list for repairs in the current year but, in the past Mr. Marquardt thought that perhaps repairs at this residence should be expedited. Mr. Willis stated that he recommended waiting to perform repairs at this lake until downspout drains which contribute to runoff erosion are installed.

Mr. Marquardt appreciated Mr. Willis evaluating the whole lakes for efficiency and cost effectiveness. Mr. Willis replied affirmatively and noted that the more linear feet done at one time, the lower the cost per linear foot. He noted that Geotube offers a 15-year repair warranty and noted that such localized repairs would be much more expensive for individual properties.

**SEVENTH ORDER OF BUSINESS**

**Discussion: 14775 Dockside Lane  
Reimbursement**

Ms. Sanchez stated that the Seventh and Eighth Orders of Business both relate to Mr. Sandler and other residents who had work done by a CDD vendor. In response to the question as to whether the CDD can reimburse residents from surplus budget funds, she stated that she forwarded documentation to Board Members where she had previously indicated that residents will not be paid back, and that such an arrangement was never agreed upon. Should this ever happen again, all the documentation will be provided to residents.

**EIGHTH ORDER OF BUSINESS**

**Discussion: Lake 24 Repair Agreement**

This item was discussed during the Seventh Order of Business.

**NINTH ORDER OF BUSINESS**

**Consideration of Lake Bank Restoration  
Proposals**

Mr. Willis presented three competitive proposals and asked the Board to consider the amounts and develop a project plan to address lake bank restoration. He believes that none of the repairs are so severe that there is the danger of a structural failure or permit violation. He suggested the project be done in phases with cooperation with the District Engineer.

The Board and Staff discussed the proposals and scheduling of repairs.

The Board directed Mr. Willis to address the projects on a piecemeal basis.

Mr. Marquardt asked if this would be a good time to ask affected property owners to address their downspouts. Mr. Willis recommended that he and the District Engineer work to prioritize the projects. At the appropriate time he would request proposals from vendors for the downspouts and coordinate repairs costs on property owners' behalf as a courtesy.

It was noted that homeowners cannot be compelled to perform repairs but the cost savings and potential of worsening problems provide an incentive.

Ms. Sanchez stated that these proposals will be used during budgeting processes.

Discussion ensued regarding DRC approval processes related to extension of the downspouts, with vendors approved to follow the CDD's pre-approved design.

Mr. Willis stated that all of the CDD's schematics for repairs were developed by the District's Engineers with extensive stormwater management experience and comply with SFWMD standards.

It was noted that public comments should be limited to public comment periods.

**TENTH ORDER OF BUSINESS**

**Discussion: Resident Communications Transmitted from CDD**

Ms. Sanchez stated that it was brought to her attention that a great deal of good communication is sent out on behalf of the CDD, but other Board Members might be unaware of what is sent out. She suggested that such communications be sent to her in advance, so that she can send a blind copy email to the Board.

Discussion ensued regarding the need for timely communications, use of social media and the need to comply with the Sunshine Law requirements. It was noted that official newsletters have been sent to Board Members.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of FL GIS Solutions, LLC Professional Services Agreement Lake Number 2 (Pipes and Structure) Inspection of Stormwater Management Drainage System**

Ms. Sanchez stated that the proposal was requested by a Board Member; however, the cost exceeds the amount budgeted for the year.

Mr. Willis stated the ROV inspection seems no longer justified because, at the beginning of the rainy season the lakes were not at equilibrium; however, rains have apparently cleared blockages and the problem has been resolved at this time.

Mr. Willis responded to questions regarding the GIS map features.

**TWELFTH ORDER OF BUSINESS**

**Presentation of Audited Financial Statements for the Fiscal Year Ended September 30, 2023, Prepared by Carr, Riggs & Ingram, LLC**

This item was presented following the Third Order of Business.

**THIRTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2024-04, Hereby Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2023**

This item was presented following the Third Order of Business.

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of Goals and Objectives Reporting [HB7013 - Special Districts Performance Measures and Standards Reporting]**

Ms. Sanchez presented the Memorandum outlining a new state requirement for CDDs to establish and report annual goals and objectives. District Management identified Community Communication and Engagement, Infrastructure and Facilities Maintenance, and Financial Transparency and Accountability as the key categories to focus on for Fiscal Year 2025 and develop statutorily compliant goals for each.

Mr. Marquardt expressed support for the document. He suggested adding an additional goal: “We will ensure that questions and concerns of property owners are addressed quickly and efficiently.” and Measurement: “Monthly reports from Staff recorded in the meetings that echo evidence and communication received from residents.”

Mr. Marquardt suggested the Board hold one “Town Meeting” either in conjunction with a regular Board Meeting or at a night meeting. Ms. Sanchez stated such a meeting would need to be advertised as a Special Meeting.



The consensus was that, while the Board will take these additional steps for the benefit of the residents, the document to be submitted to the State will remain in its current form.

**On MOTION by Mr. Marquardt and seconded by Ms. Wild, with all in favor, the Goals and Objectives and the Performance Measures/Standards & Annual Reporting Form, were approved.**

**FIFTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of June 30, 2024**

Ms. Sanchez presented the Unaudited Financial Statements as of June 30, 2024.

Ms. Sanchez and Mr. Willis will research the “GIS Solutions” line item, as it is overbudget.

**On MOTION by Mr. Inez and seconded by Mr. Marquardt, with all in favor, the Unaudited Financial Statements as of June 30, 2024, were accepted.**

**SIXTEENTH ORDER OF BUSINESS**

**Approval of June 13, 2024 Regular Meeting Minutes**

The following changes were made:

Line 23: Change “Devlin” to “Welsh” and delete “& Naples Reserve HOA President”

**On MOTION by Ms. Harmon and seconded by Mr. Inez, with all in favor, the June 13, 2024 Regular Meeting Minutes, as amended, were approved.**

**SEVENTEENTH ORDER OF BUSINESS**

**Other Business**

There was no other business.

**EIGHTEENTH ORDER OF BUSINESS**

**Staff Reports**

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

- **Draft Stormwater Management Rules and Policies**

Ms. Magaldi presented the Draft Stormwater Management Rules and Policies. She noted that the HOA will need to be knowledgeable and aware of the Rules and Policies. She discussed areas highlighted in yellow and asked if Board Members wished to make any changes.

Mr. Willis suggested adding a section pertaining to “Illicit Discharges” which would require a homeowner to inform the CDD when draining their pool, in order to avoid a fine.

Ms. Magaldi stated when the HOA has reviewed the document, a public hearing will be scheduled at the appropriate notices have been published.

**B. District Engineer: Bowman Consulting Group LTD**

Mr. Cole stated that with regard to lake repairs, on Laguna Springs Lane, some sod still needs to be installed on the lake bank; a contractor cleaned up a mess made on the street and replaced the sod. On Galley Court, the contractor is working on the northeast side of the lake; work should be done by the end of the week, after which sod can be installed.

Ms. Wild stated a lot of debris was pushed down the street; she asked if the debris will be cleaned up. Mr. Cole stated that debris should have been scraped and shoveled before pressure washing; he will inspect the drains in the area.

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

**• Monthly Report**

The Annual Quality Assurance Lake Audit Report was the monthly report.

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

- 1, 360 Registered Voters in District as of April 15, 2024**
- NEXT MEETING DATE: September 12, 2024 at 10:00 AM [Adoption of FY2025 Budget]**
  - QUORUM CHECK**

**NINETEENTH ORDER OF BUSINESS**

**Public Comments**

Resident Kevin McCarthy asked if there is a schematic for the downspout proposal and, if it will tie into the storm between two houses, or if a separate pipe will be installed. Mr. Marquardt replied affirmatively. Mr. Willis stated it will tie into a smaller corrugated pipe; typically, every downspout receives an input or an output.

Discussion ensued regarding the construction and layout of the schematic downspout.

Regarding storms, Mr. Cole stated he believes that a 100-year storm might receive 11” of rain in one day; a 25-year storm might receive 8.5” or 9” of rain in one day.

Mr. Willis stated that a 100-year storm is defined as a rainfall event that has a statistically 1% chance of occurring; multiple 100-year storms can occur in one year.

Mr. Cole stated that the result was skewed because the lakes were already quite full when Hurricane Debbie hit.

Mr. Willis responded to questions related to drainage, erosion, the stormwater system and downspout repairs.

A resident asked if the CDD suggests all downspouts feed into one pipe, including the front. Mr. Willis stated that residents can speak with the vendor but the front downspouts are not necessary, as the main velocity comes from the back of the roof.

A resident stated that a contractor advised that their downspouts should not go into the lakes, as it would present an EPA issue, and they directed the runoff to the swales.

Mr. Marquardt stated that he heard a similar report from another homeowner.

Mr. Willis stated that nothing that the CDD or Staff recommends would violate EPA or DEP regulations; everything has been established and approved by the SFWMD, the governing authority for the State of Florida. Mr. Cole would need to approve any cutting under the berm; such repairs would be made on a case by case basis.

Mr. Marquardt asked if the HOA should be advised to stop Brightview from doing this. Mr. Willis replied affirmatively.

A resident expressed support for Facebook posts providing meeting dates and times.

Ms. Sanchez thanked Ms. Yancik for attending on behalf of the DRC.

**TWENTIETH ORDER OF BUSINESS**

**Supervisors’ Requests**

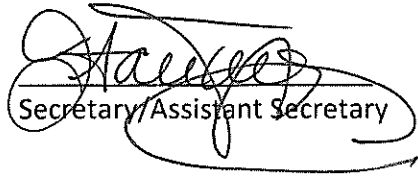
There were no Supervisors’ requests.

**TWENTY-FIRST ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Inez and seconded by Ms. Wild, with all in favor, the meeting adjourned at 12:39 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair