

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

The Board of Supervisors of the Naples Reserve Community Development District held a Regular Meeting on November 3, 2021 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	Assistant Secretary
Charlene Hill	Assistant Secretary
Gregory Inez	Assistant Secretary

Also present, were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Daniel Rom (via telephone)	Wrathell, Hunt and Associates, LLC (WHA)
Greg Urbancic (via telephone/Zoom)	District Counsel
Terry Cole	District Engineer
Randy Sparrazza	Resident/HOA President
Robert Chait	Resident
Mark and Laurie Sandler	Residents

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 10:31 a.m. Supervisors Marquardt, Godfrey Hill and Inez were present, in person. Supervisor-Appointee Anna Harmon was not present.

Audio commenced at approximately 10:32 a.m., just following the Call to Order and Roll Call.

SECOND ORDER OF BUSINESS

Public Comments

Resident Robert Chait expressed concern about the height of the weeds behind his house and in the lake and stated that he reported it in the past but it was not yet addressed. He asked if it would become a CDD responsibility if the HOA does not address it before January 1.

Ms. Cerbone stated she left a voicemail for Mr. Chait regarding the issue. Mr. Marquardt stated the Board and Staff are aware of the problem and his understanding was that the HOA directed the vendor to address the issue. Ms. Cerbone stated the Property Manager confirmed that the vendor was asked to evaluate the issue; the licensed and certified professional would determine if the foliage in question are weeds, littorals or a combination of both and make a recommendation of the next steps. Action may be taken while the vendor is on site but, if further explanation is necessary, something should be submitted in writing to the Property Manager and, effective January 1, 2022, to the CDD. The vendor is generally on site once a month. CDD Staff and the Property Manager would keep Mr. Chait informed.

Discussion ensued regarding the vendor’s responsiveness. Ms. Cerbone believed the vendor would be responsive as there is no intention to change the level of service or provider.

Mr. Marquardt stated it was necessary to clarify what is considered “excessive growth” and he expected the vendor to address the issue before the end of the year. Ms. Godfrey stated she has the same issue on her property. She has found the vendor to be very good at keeping residents informed about the plan of action. Mr. Marquardt stated the Board was well-aware of the issue and it would be addressed later in the meeting.

THIRD ORDER OF BUSINESS

Chairman’s Opening Remarks

There were no Chairman’s opening remarks.

FOURTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisor, Ms. Anna Harmon, Seat 5 (the following to be provided in a separate package)

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**

- I. **Form 1: Statement of Financial Interests**
- II. **Form 1X: Amendment to Form 1, Statement of Financial Interests**
- III. **Form 1F: Final Statement of Financial Interests**
- D. **Form 8B – Memorandum of Voting Conflict**

This item was deferred.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-01, Designating Certain Officers of the District, and Providing for an Effective Date

This item was deferred.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2022-02, Accepting the Certification of the District Engineer that the Series 2018 Project is Complete; Declaring the Series 2018 Project Complete; Finalizing the Special Assessments Securing the District’s Series 2018 Special Assessment Bonds; Providing for a Supplement to the Improvement Lien Book; Declaring that Certain True-Up Obligations Remain the Same; Providing for Severability, Conflicts and an Effective Date

- **Certificate of Engineer – 2018 Series Project**

Mr. Urbancic presented Resolution 2022-02, known as the “Completion Resolution”, which declares the project complete, once all infrastructure has been acquired by the County and all bond proceeds are spent. The remaining \$148 in the construction fund would be directed to the account used to pay the bond principal.

Mr. Cole responded to questions regarding the project, the Engineer’s Certificate and the process whereby the District Engineer certifies that the work was completed, based on County inspections and inspections by the Developer’s Engineer and acceptance of the infrastructure by the County. The Developer partially subsidized the project in order to remain

competitive, given market conditions, and only a portion of the expenses were submitted to avoid higher assessments on property owners.

On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, Resolution 2022-02, Accepting the Certification of the District Engineer that the Series 2018 Project is Complete; Declaring the Series 2018 Project Complete; Finalizing the Special Assessments Securing the District’s Series 2018 Special Assessment Bonds; Providing for a Supplement to the Improvement Lien Book; Declaring that Certain True-Up Obligations Remain the Same; Providing for Severability, Conflicts and an Effective Date, in substantial form, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Memorandum of Understanding Between the CDD and the Naples Reserve HOA

Mr. Sparrazza stated that the HOA recently changed Counsel and asked that the lake maps be reviewed before the Memorandum of Understanding (MOU) is signed, due to ongoing inconsistencies with the numbering of several lakes.

Mr. Urbancic suggested that the map that is utilized be incorporated within the Exhibit. Mr. Cole concurred and stated that there was one set of overall lake numbers but, when the lakes were platted, the Plat Maps had different numbers. The consensus was the Engineering Map that shows both numbers would be utilized.

Ms. Cerbone stated she and Mr. Marquardt provided additional revisions to the MOU relating to the bridge area and potential future cannons or fountains that may be installed.

Discussion ensued regarding additional revisions not reflected in the agenda version. Mr. Cole stated the bridge would be added to the map. Ms. Cerbone stated an updated map would be sent to District Counsel, who would share it with the HOA and HOA Counsel.

Ms. Cerbone stated there are currently only two different water features in different lakes and, if the HOA would like to add additional water features, it would need preapproval from the CDD and the MOU must be updated.

Discussion ensued regarding water features not including aerators as they remain the responsibility of the CDD.

Ms. Cerbone suggested approval, in substantial form, with CDD and HOA Staff and the Chair coordinating to finalize the document. A final document may be presented at the next meeting, if further deliberations are necessary. Mr. Marquardt noted that the MOU should state that the CDD is responsible for aerators and the HOA is responsible for water features.

On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, the Memorandum of Understanding Between the CDD and the Naples Reserve HOA, in substantial form, authorizing Staff to work with the HOA, and authorizing the Chair to execute, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Agreement for Oversight Services with Naples Reserve HOA

Ms. Cerbone stated the best draft was included in the agenda but, with the HOA's change of Counsel, the HOA may need additional time to review Agreement. She felt that it is important to have an Agreement in place so that someone, preferably on site, can manage vendors beginning on January 1, 2022. The Agreement provided for designating one point of contact for property owners and residents to coordinate responses from the Property Manager, vendors and the CDD. Time is of the essence, given the HOA takeover of services beginning on January 1, 2022.

Discussion ensued regarding the possibility of hiring an on-site manager, contracting with a roving Operations Manager for one to two days a month and the proposed Agreement with the HOA. Mr. Marquardt stated he would work with Mr. Sparrazza and the Property Manager to develop procedures and finalize the Agreement.

On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, the Agreement for Oversight Services with Naples Reserve HOA, in substantial form, authorizing the Chair and Staff to work with HOA Counsel and Management and authorizing the Chair to execute, was approved.

NINTH ORDER OF BUSINESS

Discussion/Consideration: SOLitude Lake Management Proposals

Ms. Cerbone stated, in addition to the two items listed, Mr. Cole would present an additional SOLitude proposal that was inserted in the agenda books.

▪ **Consideration of SOLITUDE Lake Management Proposal for Aeration Pump Maintenance**

This item was an addition to the agenda.

Mr. Cole presented a proposal from SOLitude for maintenance of aeration pumps, in the amount of \$250 per quarter, for a total of \$1,000 annually. SOLitude suggested servicing the system four times per year. The lake map would be updated to include labels for bridges and water features and identify which lakes include aerators.

Discussion ensued regarding previous aerator repairs with TSI. Mr. Cole stated the proposal included quarterly service and parts would be billed as a separate charge.

Mr. Urbancic discussed a draft contract that would incorporate the proposal and necessary verbiage. Ms. Cerbone would facilitate the revisions.

A. Consideration of SOLitude Lake Management Services Contract for Annual Lake Management for 21 Lakes Located in Naples, Florida (January 1, 2022 Through December 31, 2022)

Mr. Cole presented the Lake Management Services Contract, which included spraying twice monthly, algae treatments and trash removal, in the amount of \$44,448 annually.

Discussion ensued regarding the scope of services, the Agreements, pricing, previous performance and experience with SOLitude.

Mr. Cole noted the Agreement includes monthly service reports. Mr. Marquardt requested that the monthly reports be included in the agenda.

B. Consideration of Services Contract for One Time Planting Required Littoral Plants

Mr. Cole presented the proposal for one time planting of littoral plants.

Discussion ensued regarding County requirements, proposed littoral plantings locations and inviting SOLitude to attend the next meeting.

Mr. Cole stated that planting could not proceed until the water levels recede. This item was deferred to the next meeting.

On MOTION by Mr. Marquardt and seconded by Mr. Inez, with all in favor, the Annual Lake Management Services Contract, in the amount of \$44,448 annually, and the Aerator Maintenance Contract, in the amount of \$1,000 annually, in substantial form, authorizing Staff to negotiate a form of Agreement and authorizing the Chair to execute, was approved.

TENTH ORDER OF BUSINESS

Consideration of Cardno, Inc., Professional Services Agreement for Water Use Permit (WUP No. 11-01836-W) Compliance Monitoring Services

Mr. Cole presented the Cardno, Inc., Professional Services Agreement for Water Use Permit Compliance Monitoring Services. Ms. Hill asked if this vendor currently provides the service at the quoted price. Ms. Cerbone replied affirmatively. Mr. Urbancic suggested revisions to the Agreement, including limitation of liabilities.

On MOTION by Ms. Hill and seconded by Ms. Godfrey, with all in favor, the Cardno, Inc., Professional Services Agreement for Water Use Permit (WUP No. 11-01836-W) Compliance Monitoring Services, in the amount of \$300 monthly, in substantial form, authorizing Staff to negotiate a form of Agreement and authorizing the Chair to execute, was approved.

ELEVENTH ORDER OF BUSINESS

Discussion/Consideration: Piggyback Agreement with CrowderGulf, Collier County and the City of Naples for Disaster Debris Removal and Disposal

Ms. Cerbone stated the Eleventh and Twelfth Orders of Business related to potential piggyback agreements with the same providers utilized by Collier County and the City of Naples. Engaging a “debris monitor” is required in order to qualify for Federal Emergency Management Agency (FEMA) funds following a storm event. The same firm would serve as Management Consultant to file for FEMA reimbursement. With the Board’s consensus she would work with Mr. Urbancic to finalize the Agreements.

Mr. Marquardt asked if this would be a renewing contract. Ms. Cerbone stated the contract would typically be a three to five-year contract and, at the conclusion of the contract,

she would consult with Mr. Urbancic regarding current legislation and whether another piggyback agreement would enable the District to save the time and expense of going through the Request for Proposals (RFP) process. The Board would retain the option to hire additional contractors if necessary.

Ms. Cerbone stated the Agreements would apply to CDD improvements, such as the lakes, catch basins and storm drains. Discussion ensued regarding the benefits of utilizing the same contractor as the HOA, HOA versus CDD assets and areas of responsibility and the fluid nature of coordinating with the HOA and vendors to expedite cleanup following a storm event.

The consensus was for Staff to continue working on the Piggyback Agreements.

TWELFTH ORDER OF BUSINESS

Discussion/Consideration: Piggyback Agreement with Rosten Solutions, LLC, for Emergency Disaster Debris Removal Monitoring

This item was discussed in conjunction with the Eleventh Order of Business.

THIRTEENTH ORDER OF BUSINESS

Update: Stormwater Reporting Requirements

Mr. Urbancic discussed the Legislature’s recently enacted requirement that a detailed Stormwater Needs Analysis be submitted every five years, with the first due by June 30 2022.

Mr. Cole discussed the 24-page template included in the agenda. He would review the template and provide additional feedback and a cost proposal at the next meeting.

FOURTEENTH ORDER OF BUSINESS

Discussion/Consideration: Naples Reserve ERP Permit Transfers to Naples Reserve CDD

- **SFWMD Request to Transfer ERP Permits**
 - A. **Correspondence to Angelica Hoffert, P.E., Engineering Manager, SFWMD**
 - B. **Permit Summary**

Mr. Cole presented the documents and information related to transfer of the Naples Reserve ERP Permits to the Naples Reserve CDD. Ms. Godfrey asked about the Legal and Engineering fees involved in transferring the permits from the Developer to the CDD. Mr. Urbancic estimated that he spent one hour reviewing the documentation. Mr. Cole stated that, while significant time was spent preparing the documentation, it was included in his general services to the District.

On MOTION by Mr. Marquardt and seconded by Mr. Inez, with all in favor, acceptance of the Naples Reserve ERP Permit Transfers to the Naples Reserve CDD, were approved.

FIFTEENTH ORDER OF BUSINESS

Consideration of Resolution 2022-03, Amending the General Fund Portion of the Budget for Fiscal Year 2021; and Providing for an Effective Date

Ms. Cerbone presented Resolution 2022-03. Per Statute, amending the Fiscal Year 2021 budget is necessary because the CDD’s total actual expenses exceeded its budgeted expenses. While revenues and expenses were adjusted, assessments were unchanged.

On MOTION by Ms. Hill and seconded by Mr. Marquardt, with all in favor, Resolution 2022-03, Amending the General Fund Portion of the Budget for Fiscal Year 2021; and Providing for an Effective Date, was adopted.

SIXTEENTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of September 30, 2021

Ms. Cerbone presented the Unaudited Financial Statements as of September 30, 2021.

On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the Unaudited Financial Statements as of September 30, 2021, were accepted.

SEVENTEENTH ORDER OF BUSINESS

Approval of August 17, 2021 Public Hearings and Regular Meeting Minutes

Ms. Cerbone presented the August 17, 2021 Public Hearings and Regular Meeting Minutes.

The following change was made:

Line 36: Change "Bill" to "Leo"

On MOTION by Mr. Marquardt and seconded by Mr. Inez, with all in favor, the August 17, 2021 Public Hearings and Regular Meeting Minutes, as amended, were approved.

EIGHTEENTH ORDER OF BUSINESS

Other Business

Mr. Marquardt stated a Second Notice was received warning that too much water was being drawn from the aquifer. Ms. Cerbone stated that a Noncompliance Letter was also received.

Mr. Marquardt asked Mr. Urbancic if Crawford Landscaping, which was contracted by the HOA, should be instructed to draw less water from the aquifer, given the CDD's maintenance responsibility beginning on January 1, 2022. Mr. Urbancic stated his understanding that, if irrigation water is pumped from the lakes and the lakes are replenished, the Water Use Permit would govern. Mr. Cole stated the HOA is the party responsible for the Water Use Permit. Mr. Marquardt asked if it would remain an HOA responsibility. Mr. Cole stated he must verify that the permits being transferred pertained to surface water and not water usage.

Discussion ensued regarding water usage and the need to work with the HOA to ensure they comply with the permit.

Mr. Sparrazza stated his belief that the HOA would go through the procedure to gain approval to draw more water from the aquifer to meet demand. He stated that the HOA budgeted for a study in early 2022. The consensus was that noncompliance with the permit is the responsibility of the HOA.

Discussion ensued regarding whether Crawford should be advised of guidelines to prevent clippings from going into the lake. Mr. Cole noted the lake tract generally has a 20' lake maintenance easement area.

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

There was nothing further to report.

B. District Engineer: *Hole Montes, Inc.*

Mr. Cole reported the following:

- A lake inspection was conducted in May 2021 during the dry season. It is not possible to evaluate drop-off conditions noted until the dry season, likely in January 2022.
- A specific control structure was noted and it is possible the permit for this control structure should not be transferred due to a permit modification and/or revision of the weir number by the contractor.
- Littorals reported as damaged in June 2021 seemed to have come back. These are the HOA's responsibility until the end of 2021.
- Roof drains causing drop off conditions were previously noted.
- Three addresses with a request to ensure catch basins are free of sediment were identified. The catch basins have filter baskets that were placed within them during home construction. Now that homes are completed, these filter baskets need to be removed by the Builder. It is unknown whether the baskets were installed by the Developer or the Builder but now that homes are completed and sod has stabilized, the baskets are no longer needed.
- Regarding the note "a follow-up inspection conducted on June 4 indicated the system at these locations was slow to recover after storm events with reports of standing water in yards for two weeks", the reason could be that water was not draining as quickly, due to the baskets.

Discussion ensued regarding the next steps and contacting the Builder regarding the baskets and the weir, which are the Builder's responsibility.

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

- **NEXT MEETING DATE: December 2, 2021 at 10:30 AM**

- **QUORUM CHECK**

Ms. Cerbone stated the next meeting would be held on December 2, 2021. Ms. Harmon would be in attendance and the Oath of Office would be administered to her at the meeting.

TWENTIETH ORDER OF BUSINESS**Audience Comments**

Mr. Chait asked what entity would make policy decisions about recreational use of the lakes beginning on January 1, 2022. Mr. Urbancic stated recreational uses are an HOA responsibility.

Discussion ensued regarding the CDD's authority to regulate issues for stormwater management purposes, including downspouts, docks, easements for generators etc. Mr. Urbancic discussed the CDD's sovereign immunity liability limitations and the need to maintain the lakes to reduce potential liability.

Mr. Chait asked if there any responsibility to anyone other than the homeowner if a homeowner cannot or does not have adequate flood insurance and their home floods in a hurricane, and if anything could be done to prevent or minimize flood damage. Mr. Marquardt stated that homeowners are responsible for obtaining flood insurance. Mr. Urbancic stated the CDD is responsible for maintaining its system and keeping catch basins free from sediment; the system is professionally designed, inspected and functioning properly.

Mr. Cole stated the surface water management system is designed so that, in a 25-year three-day storm, the center line of the roads will not flood but there may be standing water. Such that, in a 100-year three-day zero discharge storm, the finished floors of houses are at minimum elevation or the FEMA elevation, whichever is higher. Discussion ensued regarding local elevation levels. Ms. Godfrey believed the survey should show the applicable flood zone and whether flood insurance is required.

Resident Laurie Sandler asked for an explanation of the difference between littoral shelf plants and weeds. Mr. Cole stated that SOLitude would be better able to answer the question. He explained that the lakes have certain designated littoral shelves that are half as steep within certain lakes. Discussion ensued regarding plantings and where examples may be viewed.

A resident asked how emergency storm cleanup would be conducted. Mr. Marquardt stated, while the Landscaping contractor was working on an emergency plan for the HOA, emergency plans may be coordinated with vendors.

A resident asked who is responsible for the island. Mr. Marquardt stated the island is the HOA's responsibility.

TWENTY-FIRST ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

TWENTY-SECOND ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned.

On MOTION by Mr. Inez and seconded by Ms. Godfrey, with all in favor, the meeting adjourned at 12:14 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Cindy Carbone
Secretary/Assistant Secretary

Richard L. Hall
Chair/Vice Chair