

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

The Board of Supervisors of the Naples Reserve Community Development District held a Regular Meeting on September 1, 2022 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:

Deborah Lee Godfrey	Vice Chair
Anna Harmon	Assistant Secretary
Charlene Hill	Assistant Secretary

Also present, were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Shane Willis	Operations Manager
Meagan Magaldi	District Counsel
Terry Cole	District Engineer
Gary Butler	Florida Lifestyle Homes
Lisa Wild	Resident/Design Review Committee

Residents present, were:

Claudie Woods	Samantha Almy	Sean Almy
Michael Harmon	Clement Soffer	

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 10:31 a.m. Supervisors Godfrey, Harmon and Hill were present in person. Supervisors Marquardt and Inez were not present.

SECOND ORDER OF BUSINESS

Public Comments

Ms. Sanchez explained the protocols for public comments, and noted that the Board and Staff are not required to respond to any questions or comments during the meeting.

Ms. Sanchez stated Mr. Gary Butler, of Florida Lifestyle Homes (FLH), is present and would like to speak about an item in the Fifth Order of Business. She asked if the Board prefers to hear from Mr. Butler now or during the Fifth Order of Business.

Ms. Cerbone recalled that, at the previous meeting, there were four encroachment requests that were denied and one affected party is present. She previously conferred with the individual and is unsure of the type of conversation that will result from this but wanted to make the Board aware of it. Further, three of the four affected property owners contacted Management and/or District Counsel's office, via the builder or builder's attorney, and, even though those decisions were made at the last meeting, there could be more information through public comments or Staff updates.

Resident Samantha Almy stated she and her husband want to understand the reason for the denial and their options for a suitable resolution. Their plans were approved by the County and, had she and Mr. Almy been aware of the encroachment, they would have had the home built further towards the road; however, now that the construction is complete, nothing can be done. This severely impacts their ability to install a pool, based on the other properties in the area, and impacts their property value.

Mr. Cole stated the builder and the County, who permitted this, missed the fact that there is definitely a 10' lake maintenance easement on the rear of these lots. In his opinion, as an Engineer, the plat clearly states it is a 20' lake maintenance and irrigation easement that straddles property lines; 10' within the lake tract and 10' in the lot. This is not the usual case; most of the time the 20' lake maintenance easement is in the lake tract, specifically to avoid these types of problems but, nevertheless, this plat had the straddle situation, and the builder and the County missed the fact that there was a 10' lake maintenance easement in the lot.

The Board and Staff discussed the property, encroachment, the builder and the County.

Ms. Cerbone stated the denial is still in place but, if new facts are presented or ancillary items that could sway the Board are submitted, Staff will bring those items to the Board at the next meeting. Staff will continue communicating with all parties involved.

Mr. Almy stated he wished to give the Board a human perspective as to how this is affecting his family and pointed out that, because of these issues, the pool cannot be constructed and the property value has declined. Ms. Almy stated it seems reasonable that something could be done to allow for 5' of additional space to complete the pool project.

Ms. Cerbone stated staff is participating in ongoing conversations and anticipates that all four items will be on the next agenda if additional information has been obtained.

- **Continued Discussion/Consideration of Encroachment [14361 Charthouse Circle, Lot 53]**

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

- A. Collier County Government Corrections Letter [1st Single Family]**
- B. Collier County Government Corrections Letter [2nd Single Family]**
- C. New Build Plans**
- D. Pool Application Approval**
- E. Propane Tank Plans**
- F. Easement Vacation Sketch**
- G. Boundary Spot Survey (Approved)**

These items were included for informational purposes.

Ms. Sanchez stated this item was tabled at the last meeting as the Board wanted to have a representative from FLH present, in person. She asked Mr. Butler to explain his request and what the process is. No additional documents have been added since the previous meeting.

Ms. Cerbone stated she conferred with Mr. Butler and she believes there are additional steps and documents that could be required that are not in the agenda. She would appreciate it if Mr. Butler addressed those “maybe” documents and requirements as well.

Mr. Butler asked the Board to vacate 11” of the a 15’ drainage easement that this house is encroaching on. He pointed out that the purpose of the drainage easement is to maintain a pipe, which must be maintained once every 100 years. He stated the house was built without the County catching the encroachment on the easement but they caught the encroachment for the pool request. In order to build the pool in that easement, a portion of the easement needs to be vacated.

Asked if he is requesting that the CDD provide a Letter of No Objection (LONO) vacating the easement by 11”, Mr. Butler replied yes. Ms. Cerbone stated the County did not catch the encroachment the first few times with the construction of the home but caught it when the pool permit was being pulled. Mr. Cole concurred with vacating approximately 11” of the easement and recommended Board approval of the LONO.

Discussion ensued regarding vacating the easement, drainage pipe maintenance, a generator, spot surveys conducted by the County, Lot 77 and four other encroachments and a similar issue in another CDD.

Ms. Cerbone recapped that Mr. Butler provided information regarding his request to vacate the easement and Mr. Cole demonstrated with a visual what that would entail and concurred with vacating the easement.

Ms. Godfrey voiced her concerns about CDD liability for any damages and replacements.

Ms. Cerbone stated the partial vacation of the easement will be for a portion of the house structure and a portion of the pool.

On MOTION by Ms. Hill and seconded by Ms. Godfrey, with all in favor, authorizing District Counsel to draft a LONO, vacating 11” of the CDD easement, authorizing the District Manager to execute and transmitting copies to all interested parties, was approved.

THIRD ORDER OF BUSINESS

Action Items Updates

Ms. Sanchez recalled the Board’s request for every agenda to have Action Items.

A. Chair

I. Matters Relating to the Littoral Shelf

There was no update.

II. Message to Residents

An email was sent to all residents last Friday. The letter was sent to the HOA for review prior to distribution.

III. Link Sent to Residents Regarding Collier County Site

No link was sent; it was decided that this item would be omitted from the letter.

Ms. Cerbone stated the link was omitted from the letter because it would be best for the Board to turn to the City, County, State or another party that might be familiar with setting up a link to the County website. There would be no issue if it was the CDD’s website but, for any other websites, Staff must defer to another party.

B. Supervisor Hill

• Project Taking Full Inventory of Existing Structures and Landscaping

Ms. Hill reported the following:

- She conferred with Mr. Willis after the last meeting regarding a walk-through of the community.
- The plan is to inspect a few neighborhoods with Mr. Willis on September 13, 2022 for the side drainage easements only.
- A final report will be presented at the November meeting.

- The goal is to take photographs of all issues and classify them as randomly as possible, so that there is no need to re-inspect and photograph the property again.
- The lake bank setbacks will be inspected in the dry season, once water levels recede.
- After the inspection, Ms. Hill and Mr. Willis will make a recommendation as to what to do with the information.

Asked about the photographs behind Tab 3B, Ms. Hill stated it would be best to ask Ms. Lisa Wild, as she submitted them from the Design Review Committee (DRC).

Referencing photographs, Ms. Wild stated she inspected a home to view plantings and, upon inspection, it was discovered that the pool cage is on a 10' interior lake easement and the homeowner planted trees and bushes approximately 6' into the lake easement. There is another row of trees planted by the neighbor. If the application had come to the DRC, it would have been denied. The homeowner plans to submit an application, after the fact.

Ms. Hill stated it has come to the CDD's attention that there are multiple similar problems; the difference being that the HOA recently formed subcommittees to handle such issues. She asked if the Board should wait for a fall inspection of the entire community and decide on this matter then or table it until the new application is submitted by the homeowner and then make a decision.

Discussion ensued regarding the DRC application process, denying the application, handing obstructions, directing Mr. Willis to inspect certain properties, removal of the plantings and making sure the CDD is not liable for any damage that occurs because of maintenance.

Ms. Cerbone stated no action is required; the Board is still at the fact-finding stage. Mr. Willis stated he will categorize the information regarding obstructions and, once everything is categorized, the CDD can set its policy based on the information.

Ms. Sanchez stated that the HOA sent the photographs behind Tab 3B to the Board Chair and Staff included them in the agenda since they were in line with the Action Items.

This item will remain on the agenda until the November meeting and Ms. Hill can provide any applicable updates.

FOURTH ORDER OF BUSINESS

Service Provider Reports

A. Cardno

There was no report.

B. SOLitude Lake Management, LLC: 07.01.22 – 07/31/22

Mr. Willis presented the July 2022 SOLitude Report.

Ms. Harmon stated a few neighbors reported that the water behind their homes has an unpleasant odor and asked Mr. Willis to check the water quality. Ms. Harmon would provide the addresses of the homes in question.

C. Napier Sprinkler, Inc.

There was no report.

FIFTH ORDER OF BUSINESS

Continued Discussion/Consideration of Encroachment [14361 Charthouse Circle, Lot 53]

This item was addressed following the Second Order of Business.

SIXTH ORDER OF BUSINESS

Discussion: Encroachment [14293 Charthouse Circle]

This item was tabled to the next meeting.

SEVENTH ORDER OF BUSINESS

Ratification of Generator Encroachment Agreement [14531 Stillwater Way]

Ms. Sanchez presented the Generator Encroachment Agreement between the CDD and the 14531 Stillwater Way property owner that was executed by the Chair and Vice Chair.

On MOTION by Ms. Godfrey and seconded by Ms. Harmon, with all in favor, the Generator Encroachment Agreement for 14531 Stillwater Way, was ratified.

EIGHTH ORDER OF BUSINESS

Discussion/Consideration of Termination of Oversight Agreement with HOA

Ms. Sanchez stated, given that Mr. Willis has been engaged as the CDD’s Operations Manager, there is no longer a need to utilize the HOA’s oversight services.

On MOTION by Ms. Godfrey and seconded by Ms. Hill, with all in favor, termination of the Oversight Agreement with the HOA, was approved.

**NAPLES RESERVE CDD
NINTH ORDER OF BUSINESS**

September 1, 2022

**Discussion: Project Management
Report/To Do List**

Ms. Sanchez reviewed the following To-Do List items:

- Supervisor Hill's item, Taking Full Inventory of Existing Structures and Landscaping, is ongoing and will be included on the next agenda.
- Mr. Marquardt's item, Matters Relating to the Littoral Shelf, will be carried over to the next agenda.
- Mr. Willis will check the water quality at the two addresses provided by Ms. Harmon.
- Ms. Harmon will give an update on the attempts to move the noisy aerator in the lake.

TENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of July 31, 2022**

Ms. Sanchez presented the Unaudited Financial Statements as of July 31, 2022.

On MOTION by Ms. Godfrey and seconded by Ms. Harmon, with all in favor, the Unaudited Financial Statements as of July 31, 2022, were accepted.

ELEVENTH ORDER OF BUSINESS

**Approval of August 4, 2022 Public Hearing
and Regular Meeting Minutes**

Ms. Sanchez presented the August 4, 2022 Public Hearing and Regular Meeting Minutes.

On MOTION by Ms. Godfrey and seconded by Ms. Hill, with all in favor, the August 4, 2022 Public Hearing and Regular Meeting Minutes, as presented, were approved.

TWELFTH ORDER OF BUSINESS

Other Business

Ms. Harmon stated a Wynwood resident complained that the aerator is making a lot of noise. It is currently only running at night. The aerator is also close to the lake, which she felt is not healthy for residents and must be moved. It could be moved to a section of HOA property at a cost of \$5,000 to \$7,000; efforts are being made to obtain another quote. Ms. Harmon asked for the Board's approval to move the aerator to a safer place, if a lower quote is received, subject to HOA approval.

The aerator, HOA property, a license agreement and relocation costs, were discussed.

Mr. Willis will compile additional information about relocation of the aerator and report his findings at the next meeting.

Ms. Harmon asked Staff to determine if aerators are needed in other lakes. Mr. Willis would contact SOLitude and schedule an inspection to test the water table.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

There was no report.

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

• **Drainage Easements and Lake Conveyance Maps**

Mr. Cole reported the following:

- The water control structure that was deemed as non-compliant by the South Florida Water Management District (SFWMD) was modified and certification is pending. Another update would be given at a future meeting.
- He will follow up on the homes that needed two catch basins cleaned.
- He and Mr. Marquardt inspected a few areas with lake bank erosion issues. The recommendation is to trim and/or cut all the grasses with a weed eater, which will enable them to properly inspect the true condition of the lake banks.

The Board and Staff discussed which entity is responsible for maintenance, the contractor and the HOA. Staff will investigate and give an update at a future meeting.

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

• **Lingering Homeowner Issues**

The September Field Operations Status Report was included for informational purposes.

There was nothing further to report.

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

Ms. Sanchez reported the following:

- Staff drafted and distributed a red-lined version of an encroachment approval procedure document.
- She and Ms. Wild are working on simplifying the process for encroachment approval requests. The goal is to create one process for all encroachments.

➤ The HOA provided the red-lined version to Management.

- **NEXT MEETING DATE: October 6, 2022 at 10:30 AM**
 - **QUORUM CHECK**

The next meeting would be held on October 6, 2022.

FOURTEENTH ORDER OF BUSINESS

Public Comments

Ms. Almy discussed the builders, HOA, KTS and the County and expressed her opinion that no one is protecting the homeowners, which she feels is the CDD’s obligation. She asked the District Engineer to clarify a house setback survey.

Ms. Cerbone stated the Board decided that Staff will not comment on this item until the next meeting. Ms. Magaldi stated it is not specifically a CDD issue.

Ms. Almy stated, if an additional 5’ is needed to construct her pool, it would go into that 10’ that is being used for an irrigation or sprinkler line that is 2.5”. She asked if there is an option to move the 2.5” sprinkler away to the 5’ that would be encroached on by the pool.

Ms. Cerbone reiterated that there will be no answer to this question at this time; all these matters will be addressed at the next meeting.

Mr. Almy stated that he and his wife would like to come to a resolution.

Ms. Hill stated that the Board is empathetic of the Almy’s situation and the CDD is working very hard with KTS and the attorneys on both sides to come up with a solution that will satisfy all involved parties.

Resident Clement Soffer voiced his opinion that there should be a relationship between the CDD and the County to better handle resident’s issues.

FIFTEENTH ORDER OF BUSINESS

Supervisors’ Requests

There were no Supervisor’s requests.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Hill and seconded by Ms. Harmon, with all in favor, the meeting adjourned at 12:20 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair