

**MINUTES OF MEETING
BROOKS OF BONITA SPRINGS & BROOKS OF BONITA SPRINGS II
COMMUNITY DEVELOPMENT DISTRICTS**

The Boards of Supervisors of the Brooks of Bonita Springs & Brooks of Bonita Springs II Community Development Districts held a Joint Public Hearing and Regular Meeting on **Wednesday, February 26, 2014 at 1:00 p.m.**, at **The Commons Club at The Brooks Enrichment Center, 9930 Coconut Road, Bonita Springs, Florida 34135.**

Present for Brooks CDD were:

James Merritt	Chair
Jim Ward	Vice Chair
Phil Douglas	Assistant Secretary
Bob Bonner	Assistant Secretary

Present for Brooks II CDD were:

Joseph Bartoletti	Chair
James Strecansky	Vice Chair
Jack Meeker	Assistant Secretary
Ray Pierce	Assistant Secretary
Gary Davidson	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Dave Robson	Johnson Engineering
Dan Cox	District Counsel
David Dore-Smith	Copperleaf Golf Course Superintendent
Joseph Archazki	General Manager – Commons Club
Ken Kaminski	Resident – Long Leaf

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:07 p.m., and noted, for the record, that Supervisors Merritt, Ward, Douglas and Bonner were present, in person, for The Brooks of Bonita Springs. Supervisor Crawford was not present. All Supervisors were present, in person, for The Brooks of Bonita Springs II.

▪ **Copperleaf Request for Additional Lake Bank Rock Enhancements**

******This item was an addition to the agenda.******

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Mr. Bartoletti stated that, on behalf of Copperleaf, Mr. David Dore-Smith was present to request additional lake bank rock enhancements to the golf course. CDD Board approval is required, in order for him to proceed.

Mr. Dore-Smith, Copperleaf Golf Course Superintendent, recalled a previous request for the installation of about 3,000 pine trees along the outside perimeter, along I-75, to prevent future erosion and for noise mitigation. Referring to a slide presentation, Mr. Dore-Smith reported that the project had a success rate of over 80% for tree planting, and congratulated the Supervisors.

Mr. Dore-Smith advised that Copperleaf is considering renovations, in the near future. Ballots will be mailed today and, if the vote is positive, the renovations will commence next year. Mr. Dore-Smith stated that he has been building rock walls within Copperleaf for the last ten years. Their architect viewed the completed work and the Copperleaf members expressed a desire for additional rocks. Mr. Dore-Smith proposed installation of a rock wall on holes #2 and #6, around the green complex. Referring to the next slide, Mr. Dore-Smith noted that an existing rock wall on hole #11, which the architect wants to extend and widen, to increase the fairway landing area. On hole #14, a rock wall will help to form a foundation to elevate the green. On hole #15, along the left side, a rock wall will help support the green complex and widen the fairway, where golfers approach the green. On hole #18, Mr. Dore-Smith indicated that the cart path will be moved along the right side edge and a rough wall will be constructed. On the practice green, the architect wants to bring the wall out further, to enlarge the chipping area.

Mr. Dore-Smith stated that the plans were approved and signed by SFWMD. The next step is for the project engineer, Q. Grady Minor and Associates, to formulate the engineering plans, which will be submitted to Lee County.

Mr. Bartoletti inquired about the number of walls requested. Mr. Dore-Smith replied that six wells were requested.

On MOTION for Brooks of Bonita Springs by Mr. Bonner and seconded by Mr. Douglas, with all in favor, the rock wall enhancements, as outlined by Mr. Dore-Smith, for holes #2, #6, #11, #14, #15, #18 and the practice green, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Strecansky and seconded by Mr. Davidson, with all in favor, the rock wall enhancements, as outlined by Mr. Dore-Smith, for holes #2, #6, #11, #14, #15, #18 and the practice green, were approved.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

Mr. Ken Kaminski, a resident, referred to the Board Members' recommendations for Coconut Park. He stated that his comments will be based on his personal observations, input from other residents and representatives of The Commons Club.

With regard to bocce ball courts, Mr. Kaminski indicated that, when he initially saw the proposal for the courts to be an integral part of Coconut Park, he felt it was a duplication, as there are existing bocce ball courts at Copperleaf; however, upon speaking with Copperleaf residents, it was apparent that interest has grown, significantly, and he "changed his mind".

With regard to pickleball courts, Mr. Kaminski voiced his opinion that it is a "bad recommendation". He explained that pickleball tends to be fairly noisy and does not correspond with the age demographics in The Brooks. In place of pickleball, Mr. Kaminski recommended shuffleboard, which he feels is more age appropriate and less strenuous. He described pickleball as "faddish"; it is "here today and may be gone a few years down the road". In speaking with other members of the community, Mr. Kaminski heard no one indicate that the pickleball numbers are "exploding all over Lee County"; therefore, shuffleboard courts make more sense to him.

Mr. Kaminski advised that Lee County has shuffleboard leagues throughout the county; however, there are no courts within the general vicinity of The Brooks. He feels that shuffleboard would be a welcome addition to Coconut Park.

Mr. Kaminski stated that, previously, The Commons Club members thought that shuffleboard courts were a good idea but, at that time, funds were unavailable. Upon reading the CDDs' proposal, money does not seem to be an issue. Mr. Kaminski expressed his opinion that shuffleboard courts would have more usage than pickleball courts.

With regard to basketball, Mr. Kaminski stated that allowing the basketball courts to remain is a mistake, as they are almost never used. He feels that those who use the courts do not live within the CDD; they are younger males looking for a place to shoot hoops.

Mr. Kaminski asked the Boards to consider other activities, such as walking and/or jogging lanes around the perimeter of the facility, and mini “putt putt” greens.

Mr. Kaminski asked when the survey results will be available to the public.

Mr. Bartoletti thanked Mr. Kaminski for his comments.

With regard to the survey results, Mr. Adams stated that the survey will remain open until the end of March. To date, responses indicate a little over 50% in favor, 31% opposed and 16% to 17% neutral. As of yesterday, 354 responses were received, 354 responses were received.

Mr. Merritt noted the significance of the percentage of favorable votes.

JOINT MEETING ITEMS

THIRD ORDER OF BUSINESS

Public Hearing to Hear Public Comment and Objections to the Adoption of the Rules of Procedure, Pursuant to Sections 120.54 and 190.035, Florida Statutes

A. Affidavits of Publication

- **Notice of Rule Development**
- **Notice of Rule Making**

B. Consideration of Resolutions Creating Sections 1 Through 4, Providing For Rules of Procedure for Meetings of the Board of Supervisors; Containing a Severability Clause; Containing an Effective Date

Mr. Adams advised that the updates to the existing Rules of Procedure are based upon legal updates. He recalled that the Board Members had an opportunity to have discussions and provide input to District Counsel, during the past few meetings; as such, today’s meeting was advertised as a public hearing to formally adopt the updated Rules of Procedure.

Mr. Merritt referred to Section 1.3, on Page 2, which states that “Regular Meetings are to commence at 2:00 p.m.” Mr. Cox advised that the time will be changed to 1:00 p.m.

On Page 5, Mr. Merritt questioned the sentence indicating that “The majority of the District Board Members or the District Manager may request written legal opinions”. He voiced his opinion that it should read “The Chairman and/or District Manager”. Mr. Adams suggested revising the sentence to read “A District Board Member may confer or District Manager may individually request written legal opinions.”

On Page 6, under “Right to be Heard”, a Board Member suggested changing the first sentence to read “The Chair has the option to allow additional time”. Mr. Bartoletti agreed that the revision was more appropriate.

- **Resolution 2014-1, *Brooks of Bonita Springs CDD***

Resolution 2014-1 was presented for the Board’s consideration.

On MOTION for Brooks of Bonita Springs by Mr. Bonner and seconded by Mr. Douglas, with all in favor, Resolution 2014-1, Creating Sections 1 Through 4, Providing For Rules of Procedure for Meetings of the Board of Supervisors; Containing a Severability Clause; Containing an Effective Date, as amended, was adopted.

- **Resolution 2014-1, *Brooks of Bonita Springs II CDD***

Resolution 2014-1 was presented for the Board’s consideration.

On MOTION for Brooks of Bonita Springs II by Mr. Strecansky and seconded by Mr. Pierce, with all in favor, Resolution 2014-1, Creating Sections 1 Through 4, Providing For Rules of Procedure for Meetings of the Board of Supervisors; Containing a Severability Clause; Containing an Effective Date, as amended, was adopted.

FOURTH ORDER OF BUSINESS

**Continued Discussion: Amended
Emergency Outfall - Operating
Agreement**

Mr. Adams advised that the amended agreement provided by the Lee County Attorney’s Office does not represent what was discussed and agreed upon with Lee County staff, following their presentation to the Boards. He indicated that Staff will work with Lee County’s staff members on a revised agreement that reflects what was discussed.

FIFTH ORDER OF BUSINESS

Approval of Minutes

A. October 22, 2013 Joint Regular Meeting

Mr. Bartoletti presented the October 22, 2013 Joint Regular Meeting Minutes and asked for any additions, deletions or corrections.

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The following changes were made:

Line 90: Insert "extreme" before "conditions"

Line 373: Change "Pierce" to "Merritt"

Line 374: Change "Davidson" to "Crawford"

Line 379: Change "Merritt" to "Pierce"

Line 380: Change "Crawford" to "Davidson"

On MOTION for Brooks of Bonita Springs by Mr. Bonner and seconded by Mr. Douglas, with all in favor, the October 22, 2013 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Davidson and seconded by Mr. Strecansky, with all in favor, the October 22, 2013 Joint Regular Meeting Minutes, as amended, were approved.

B. December 18, 2013 Joint Special Meeting

Mr. Bartoletti presented the December 18, 2013 Joint Special Meeting Minutes and asked for any additions, corrections or deletions.

On MOTION for Brooks of Bonita Springs by Mr. Bonner and seconded by Mr. Douglas, with all in favor, the December 18, 2013 Joint Special Meeting Minutes, as presented, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Strecansky and seconded by Mr. Pierce, with all in favor, the December 18, 2013 Joint Special Meeting Minutes, as presented, were approved.

C. January 30, 2014 Joint Special Meeting

Mr. Bartoletti presented the January 30, 2014 Joint Special Meeting Minutes and asked for any additions, corrections or deletions.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, the January 30, 2014 Joint Special Meeting Minutes, as presented, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Strecansky and seconded by Mr. Pierce, with all in favor, the January 30, 2014 Joint Special Meeting Minutes, as presented, were approved.

SIXTH ORDER OF BUSINESS

Other Business

There being no other business, the next item followed.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

With regard to the interlocal agreement with Lee County, Mr. Cox reported that Staff's suggestions will be provided swiftly. He anticipated that the county will want the agreement approved prior to the next CDD meeting, for submittal to South Florida Water Management District (SFWMD).

Mr. Adams explained that he will emphasize to Lee County staff that the agreement must be returned to the Districts, in good faith, and must incorporate the items that were discussed. Once the agreement is received, a special meeting will be held.

B. Engineer

Mr. Robson recalled that, at the last meeting, Mr. John Asher, Project Manager with Taylor Morrison, provided an update regarding Pebble Point. Johnson Engineering received their stormwater management calculations and the impact to Lighthouse Bay. The information was reviewed and, today, Mr. Tilton drafted a response. Mr. Robson observed that this stormwater management system is a better stormwater addition than the one proposed by Oakbrook Properties (Oakbrook).

Mr. Robson referred to a map and provided a brief background of the community. He noted that, with Oakbrook's plan, there was no control structure, however, a new control structure was added, which will make the funnel parcel independent of Lighthouse Bay and will

become an offsite discharge into Lighthouse Bay. Mr. Robson stated that the control structure determines the impact to Lighthouse Bay's lake system and discharge.

Mr. Merritt confirmed that the only water that will enter Lighthouse Bay or Pebble Point will be from rain.

Mr. Robson advised that, in the modeling, Lighthouse Bay's storm stage dropped by one-tenth; therefore, this plan has a lower impact on Lighthouse Bay than the previous plan.

Mr. Robson discussed the annual report for the five-year National Pollution Discharge Elimination System (NPDES) permit. He explained that there is a special requirement, which is specific each particular year; Year 2 is the only year without a special requirement so it is the simplest annual report, to date. Mr. Robson commented that there is almost no change between the Year 1 and Year 2 reports.

Mr. Robson noted that the water quality charts show nothing specific, except that the total nitrogen, downstream, at Halfway Creek, seems to keep climbing, in the wet season; however, Halfway Creek is not on the "Impaired Waters" list.

While Mr. Robson was not aware of any controversies with the report and the numbers are in line, he cautioned that Lee County and the co-permittees have not received a report from the Florida Department of Environmental Protection (FDEP) regarding the Year 1 NPDES report. An audit was performed, a meeting was held and the FDEP indicated that a final letter would be generated; however, the letter was not received, which may indicate issues with that report and Year 2 is similar to Year 1.

Mr. Bartoletti pointed out that Mr. Merritt signs the report because most of the outfall lies in the Brooks of Bonita Springs CDD and questioned whether there is an issue relative to Spring Creek, requiring monitoring of the water being discharged into Spring Creek, from Lighthouse Bay. Mr. Robson replied no.

Mr. Bartoletti asked how the discharge from Pebble Point, into Lighthouse Bay, will be monitored to ensure that it is not a source of contaminants. Mr. Robson explained that Pebble Point has the same presumption of compliance as The Brooks for having an approved, current environmental resource permit (ERP). Mr. Bartoletti asked if Johnson Engineering will perform testing. Mr. Robson advised that there is no mandatory testing requirement; water quality testing is voluntary.

Mr. Davidson asked to what extent the reference, in the NPDES Report, regarding a deficiency in monitoring construction, would apply to the CDDs. Mr. Robson expressed that he

does not understand FDEP's belief that a body of water, which has no permitting or enforcement capability, will impact construction site runoff that is permitted by the local governmental authority.

Mr. Adams recalled that one of the changes, included in the last five-year cycle, was that the Districts were to take a more proactive approach to observing and reporting. This is being accomplished with erosion control, construction site containment and illicit discharge, through the lake maintenance company, who reviews the lakes on a weekly basis. The lake maintenance crews are being sent to training seminars, through Lee County, for certification in illicit discharge and erosion control.

Mr. Robson stated that, in the audit meeting, the FDOT was satisfied with the Districts getting their onsite contractors certified and approved of that approach.

On MOTION for Brooks of Bonita Springs by Mr. Douglas and seconded by Mr. Bonner, with all in favor, authorizing the Chair to execute the Annual NPDES Report, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Strecansky and seconded by Mr. Davidson, with all in favor, authorizing the Chair of Brooks of Bonita Springs to execute the Annual NPDES Report, was approved.

C. Manager

i. Approval of Unaudited Financial Statements as of January 31, 2014

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2014.

Referring to Page 2, Mr. Merritt asked if it is unusual for the assessment levy revenue collections to be at 91%, at this point in time. Mr. Adams explained that the percentage is fairly high and recognized that most of the homeowners paid their taxes early.

ii. NEXT MEETING DATE: May 28, 2014 at 1:00 P.M.

Mr. Adams indicated that the next meeting date is May 28, 2014 at 1:00 p.m., at this location, unless a special meeting is called to reconsider the agreement for the emergency outfall structure.

Mr. Adams noted that an annual audit and draft budget will be presented at the May meeting.

With regard to the surveys, Mr. Merritt confirmed that the deadline is the end of March. Mr. Adams recalled that Mr. Davidson suggested waiting until at least mid-March to obtain as many responses as possible. Mr. Adams suggested holding a special meeting in early to mid-April to consider the survey results, as well as the agreement for the emergency outfall.

Mr. Davidson pointed out that construction will not begin until 2015, at the earliest, when funding is obtained; therefore, "there is no rush". He felt that a lot of detail must be reviewed by the Boards and the parameters of usage must be set. Mr. Davidson voiced his assumption that final determinations will not be made until fall.

D. Operations Report

i. Landscape Maintenance Activities

ii. Lake Maintenance Activities

In response to a question from Mr. Meeker, with regard to littoral plants and a follow up letter to be sent to LakeMasters, Ms. Crismond reported that LakeMasters has been the Districts' contractor for many years and has a great history with The Brooks. Their performance is usually excellent but, lately, it has not been satisfactory; therefore, a defective work notice was issued, placing them on notice, based on the contract specifications.

Ms. Crismond indicated that, while touring the property, Management noted numerous areas where banks are void of littoral plants. In lieu of those observations and to give the Boards an idea of the amount installed, she researched the littoral plantings history, from 2007 to 2013. The information was placed on a spreadsheet for each community, by lake, per plant count, for discussion today.

Ms. Crismond advised that the President of LakeMasters wrote a letter to Mr. Adams indicating that, between the day of the tour and the day the notice was issued, LakeMasters already identified the problem and began corrective measures to bring the property into compliance. She conveyed that LakeMasters requested that they be allowed to perform the work, rather than Management hiring an outside contractor for littoral replacement.

Ms. Crismond stated that Management has a meeting with LakeMasters on March 6, to tour the property.

Mr. Bartoletti surmised that, assuming that the follow-up tour is acceptable, no change would take place. Ms. Crismond confirmed that there will be no change. She noted that the contract has a 30-day termination clause and goes out for bid this year.

Ms. Crismond indicated that Management observed an excessive amount of bullrush and made it clear to LakeMasters that, while it is a beneficial plant, it must be kept to a minimum.

With regard to directional signage, Ms. Crismond was asked to communicate the information to the community, perhaps in a newsletter. Mr. Adams suggested posting the information on the Districts' website.

Mr. Bonner voiced his understanding that The Brickman Group (Brickman) had been performing satisfactorily and inquired about the defective work notice that was issued by Management. Ms. Crismond recalled that Brickman was issued a notice during the same time frame, last year, regarding the same issue. She indicated that landscaping is deteriorating and, when it was brought to the contractor's attention, she was told that the landscaping is "recovering". Brickman was given a deadline of no later than January 24 to replace all dead and dying plants. Ms. Crismond and Mr. Adams will review a cost estimate of \$50,000, from an outside contractor, to replace the plants and the hedges along the fence lines, at Three Oaks Parkway, Coconut Road and Imperial Parkway, including some trees. The amount will be deducted from Brickman's invoicing.

Ms. Crismond stated that a defective work notice was issued on February 18, for tree trimming, as all hardwood trimming was to be completed during the month of January, per bid specifications. When Management noted that the work had not been completed in accordance with the contract specifications; Brickman was given ten days to resolve the issues.

Mr. Davidson inquired about the procedure for plant replacement, such as Plumbago. He asked if the landscaper is required to keep the existing bushes in shape or if, based on the plant type, is the landscaper required to replace them without prior approval. Ms. Crismond explained that plant material that is old and deteriorating will be addressed. She clarified that she was referring to material that was installed four or five years ago and should not have issues.

Mr. Adams advised that Management will conduct a field analysis of the proposal from the outside contractor to determine what qualifies for replacement, under the program, and what was scheduled to be removed and replaced, due to age. He voiced his opinion that the final cost will be less than \$50,000, as part is routine replacement and part is due to negligence.

Mr. Merritt suggested meeting with the contractor, personally, to indicate that more frequent on-site presence is required. Ms. Crismond indicated that she conveyed the request to Paul and advised him that he must be on site. She pointed out that defective work notices are an indication of the Districts' dissatisfaction.

Mr. Merritt voiced his opinion that the problems should be identified before reaching the stage where a defective work notice is necessary. He reiterated his suggestion to meet with the contractor to clarify exactly what the Districts want.

Mr. Davidson asked if all of the communities have the same type of signage and light poles. Ms. Crismond advised him that Shadow Wood does but she was unsure about the other neighborhoods. Mr. Davidson explained that, when Shadow Wood decided to repaint their light poles, there was such “an uproar” over the way they looked and many of the 43 neighborhood representatives attended board meetings and opted to use black or bronze, rather than the more expensive “faux” finish. Mr. Davidson asked if Management received input from other communities.

Mr. Merritt explained that, in Shadow Wood, the light poles are a different issue than the ladder signs in terms of how they were painted. He indicated that the ladder signs were redone and look great; they are more legible and the signs on Three Oaks Parkway and Coconut Road will be the same as those in Shadow Wood

EIGHTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Ward indicated that delivery of his agenda package required a signature. Mr. Adams explained that it was sent that way in error.

With regard to long-term bonds, Mr. Ward recalled that Mr. Adams discussed the possibility of refinancing. He expressed that, with recent changes, this may be their last opportunity to do so, before rates increase.

Mr. Adams advised that the possibility was reviewed, last year. He explained that, several years ago, the larger bond was refinanced; however, the interest rate on the smaller bonds would have increased. The cost of issuance would have consumed the savings; therefore, the exercise was not prudent.

Mr. Douglas addressed the comments made by Mr. Kaminski. He expressed his appreciation for Mr. Kaminski’s attendance and stated that it is “good when the public does come and give us input”; however, his understanding of Mr. Kaminski’s perception of pickleball is “off the charts” and he indicated that Mr. Kaminski “doesn’t have a clue”. Mr. Douglas explained that it bothered him that Mr. Kaminski stated that pickleball is something that should not be considered and shuffleboard should be considered instead. Mr. Douglas commented that he is “getting mixed messages”.

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With regard to Mr. Kaminski's statement that "money is no problem for the CDD", Mr. Douglas conveyed that it bothered him greatly because money is always a problem and the Board Members must be judicious with the CDDs' finances.

Mr. Adams expressed that, when it comes to sports, everyone has a different opinion. Mr. Douglas noted that he has received positive feedback regarding pickleball. Mr. Adams concurred.

With regard to the survey, Mr. Davidson voiced his agreement with the late March deadline. He questioned how many residents received the survey, via email, and how many actually read; Two golfing partners advised him that they did not receive a survey; therefore, it was not forwarded by their local neighborhood representative.

Mr. Bonner requested to discuss the survey results at the April meeting, since he will be leaving town soon but is very interested in the project.

NINTH ORDER OF BUSINESS

Public Comments (*non-agenda items, only; four (4)-minute time limit*)

There being no public comments regarding non-agenda items, the next item followed.

TENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION for Brooks of Bonita Springs by Mr. Bonner and seconded by Mr. Merritt, with all in favor, the meeting adjourned at 2:19 p.m.

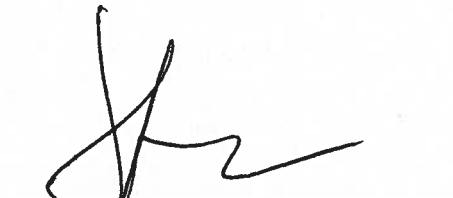
On MOTION for Brooks of Bonita Springs II by Mr. Strecansky and seconded by Mr. Pierce, with all in favor, the meeting adjourned at 2:19 p.m.

**BROOKS OF BONITA SPRINGS &
BROOKS OF BONITA SPRINGS II CDDS**

February 26, 2014

FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair