

**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 Special Meeting on **Monday, June 9, 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 ( <i>via telephone</i> )	Vice Chair
Phil Douglas	Assistant Secretary
Bob Bonner ( <i>via telephone</i> )	Assistant Secretary
Rollin Crawford	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
Cleo Crismond	Assistant Regional Manager
Dan Cox ( <i>via telephone</i> )	District Counsel
Andy Tilton	District Engineer
Joseph Archazki	General Manager – The Commons Club
Tony Grau ( <i>via telephone</i> )	Grau & Associates
Tim Blaicher	Resident
Patrick Eagen	Resident
Terry Furhovden	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 1:00 p.m., and noted, for the record, that Supervisors Merritt, Douglas and Crawford were present, in person, for Brooks of Bonita

Springs. Supervisors Bonner and Ward were attending via telephone. All Supervisors were present, in person, for Brooks of Bonita Springs II.

▪ **Lake Maintenance – Shadow Wood**

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

Mr. Tim Blaicher, a resident, stated that he asked the CDD to clean up the pond behind the condo buildings and received nothing but “lip service”. He advised that, for the last year, a significant amount of dead matter has been floating in the pond and there is scum on the banks. He acknowledged that LakeMasters sprayed the exotics; however, other plants turned brown and look terrible and “no one seems to care”. Mr. Blaicher questioned why only certain ponds are maintained.

Ms. Crismond stated that she and Mr. Adams inspected the lake bank and, at the time, the matter was more about adding littoral plantings, along the banks, than maintenance issue. Mr. Blaicher disagreed.

Ms. Crismond indicated that there are minimal invasives on the lake banks and no issues with water quality. There are many littoral plants on the lake, which has been planted numerous times. Ms. Crismond advised that this area is not considered a priority, in comparison to others on the list; certain areas could be filled in and, if funds are available, plants will be added.

Mr. Merritt explained that the lake borders Copperleaf. The lake bank is not equipped with irrigation so plant maintenance is difficult. On the opposite side, closest to the residents, there is substantial improvement, in terms of littorals; however, the builder left boulders along the bank. Mr. Merritt suggested to Mr. Blaicher, and the community, several times, that the boulders be removed to improve aesthetics. Mr. Merritt requested that the small areas be filled with littorals, once the boulders are removed. He clarified that the community must pay to have the boulders removed.

Ms. Crismond recalled that a review was conducted with LakeMasters, several weeks ago, which revealed areas where submersed vegetation removal was required; however, Mr. Blaicher is referring to something different. Ms. Crismond explained that spikerush is not an invasive. Spikerush cannot live under water; therefore, when water levels rise, it floats up and decomposes. Mr. Blaicher commented that “it has not deteriorated in a year, or else there is more there.” He asked why the Board cannot use the District’s ‘free cash’ that he read about to

maintain the primary asset of the CDD. Mr. Merritt stressed that the Board Members are making a concentrated effort to address the situation.

Mr. Douglas commented that the interpretation that the Districts have a lot of “free cash” is “bunk”. He stated that he can relate to the problem because he lives in Lighthouse Bay and, when the spikerush dissipates, it creates a real problem because it decomposes. Mr. Douglas explained that he is not insensitive to Mr. Blaicher’s concerns; he agrees that the area does not look good and he feels that the CDD should try to address the problem. He pointed out that, when it comes to planting littorals, the Boards and Staff have four communities to consider.

With regard to the phrase “free cash”, Mr. Blaicher noted that the term appears on the website.

Mr. Crawford explained that spikerush is part of the price that the community pays for using littoral plants. He stated that it is a cost/benefit issue, with the cost being appearance, for a period of time. Mr. Crawford noted that, in Mr. Blaicher’s view, the period of time is “all of the time”, which is inconsistent with his understanding of the situation. Mr. Crawford conveyed that he lives on a pond and has noticed the problem on occasion but not consistently. He advised that raking the littorals is not part of the Districts’ contract with LakeMasters and is not something that the Boards wish to pursue. Mr. Crawford indicated that he would go along with the suggestion to remove boulders and fill in certain areas, to improve the aesthetics; however, he was not in favor of a massive undertaking to rake spikerush.

Mr. Pierce asked if this is an unusual year for spikerush, as he feels that the lakes look much worse than in the past three years.

Mr. Davidson stated that the spikerush has been bad for the last two or three years. He helped Mr. Blaicher and members of his condo association in the past and additional plantings were installed. Mr. Davidson pointed out that residents who live on the second floor are most affected because they see much more than those on the first floor.

**SECOND ORDER OF BUSINESS**

**Public Comments (*agenda items only*)**

Mr. Bartoletti asked if any members of the public wished to address items on the agenda.

Mr. Patrick Eagen, a resident, expressed his understanding that a resolution was adopted approving pickleball courts but not bocce ball courts. Mr. Eagen advised that he was

representing the Shadow Wood Country Club Board of Directors and wanted to go on record stating that the Board of Directors feel it is important to include bocce ball. The Directors are aware that other communities have bocce ball; however, there are no courts in Shadow Wood and no place for a court, at the present time.

Mr. Terry Furhovden, a resident, seconded the points made by Mr. Eagen with regard to bocce ball. He feels that it is important to utilize the facilities in The Brooks as much as possible, which enhances the property values. Mr. Furhovden does not feel that having a large open space benefits the community but that creating space for additional activities, such as pickleball and bocce ball, is the right thing to do and a good investment for the Districts.

**JOINT MEETING ITEMS**

**THIRD ORDER OF BUSINESS**

**Presentation of Brooks of Bonita Springs  
Community Development District's  
Audited Financial Report for Fiscal Year  
Ended September 30, 2013, Prepared by  
Grau & Associates**

Mr. Tony Grau, of Grau & Associates, presented the Audited Financial Report for the fiscal year ended September 30, 2013.

Referring to the "Independent Auditor's Report", on Pages 1 and 2, Mr. Grau advised that the format of the report changed. He stated that "Emphasis of Matter", on Page 2, indicates that several new standards were adopted, which resulted in the write-off of bond issuance costs and changed the terminology of the government wide statements; the main change being that "Statement of Net Assets" is now "Statement of Net Position".

On Page 5, Mr. Grau noted that the recap of the "Statement of Net Position" and "Statement of Activity" are almost identical to Pages 7 and 8, except for the prior year numbers. The "Total Net Position" is very similar, between the two years, the main change being the write-off of the bond issuance costs, in the amount of \$322,000, which increased the net position. Mr. Grau called attention to the increase in net position of \$784,000, during Fiscal Year 2013 and \$732,000, in the prior year. He explained that this is on a full accrual basis and includes depreciation, fixed assets and long-term debt.

On Page 9, Mr. Grau referred to the “Balance Sheet”, for the “Governmental Funds”, which are on a modified accrual basis; therefore, they do not include the items referred to previously. He indicated that the “Total fund balance” was over \$1 million, about one-half of which was restricted for debt service. The fund balance for the general fund was approximately \$550,000. Mr. Grau referred to the “Statement of Revenues, Expenditures, and Changes in Fund Balances, on Page 11. He noted that the “General Fund” had a profit of \$172,000 and the other two funds had small losses.

On Page 14, Mr. Grau called attention to the footnote regarding the new accounting standards. He indicated that the remainder of the report was consistent with the prior year. Page 20 reflects the long-term debt and how much was paid down during the year. Mr. Grau advised that the “Independent Auditor’s Report on Internal Control Over Financial Reporting and Other Matters”, on Page 24, and the “Management Letter”, on Page 26, reflect no findings with respect to the audit.

Mr. Bonner referred to Page 5 and asked the meaning of “Operating grants and contributions”. Mr. Adams explained that it was the Brooks of Bonita Springs portion of the reimbursement from The Commons Club to landscape maintenance.

On Page 3, Mr. Ward noted the change in the District’s total net position, in comparison to the prior fiscal year, of \$784,374, as well as the “Total net position”, on Page 5, of \$8,975,413, for Fiscal Year 2012 and \$9,437,014, for Fiscal Year 2013, which is a difference of approximately \$462,000. He questioned why the note, on Page 3, reflects an increase of \$784,000, when the actual number was \$462,000. Mr. Ward questioned if the difference of \$322,773, on the bottom of Page 5, was related to the adoption of GASB No. 65 and asked if the comment on Page 3 related to the net position before the adoption of GASB No. 65. Mr. Grau confirmed that the adoption occurred before the beginning of the fiscal year and does not affect the income for the year; it was an adjustment to the beginning net position.

In response to a question from Mr. Ward, Mr. Grau provided an overview of GASB No. 65 and pointed out that bond issuance costs will no longer be capitalized.

- **Consideration of Resolution 2014-2, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2013**

Mr. Bartoletti presented Resolution 2014-2 for the Board’s consideration.

**On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, Resolution 2014-2, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2013, was adopted.**

**FOURTH ORDER OF BUSINESS**

**Presentation of Brooks of Bonita Springs II Community Development District's Audited Financial Report for Fiscal Year Ended September 30, 2013, Prepared by Grau & Associates**

Mr. Grau presented the Audited Financial Report for the fiscal year ended September 30, 2013 for the Brooks of Bonita Springs II CDD. He advised that the audit was a clean opinion.

Mr. Grau called attention to the recap of the government-wide financial statements, on Page 5, and noted that the "Total net position" for Fiscal Year 2013 was \$13.5 million, compared to \$14 million, in the prior year. He also noted that the effect of the adoption of GASB No. 65 and writing off the bond issuance cost is approximately \$687,000. Expenses and revenues decreased and total profits increased from \$92,000 to \$170,000.

On Page 9, Mr. Grau referred to the "Balance Sheet" for the "Governmental Funds", reflecting the total liabilities and fund balance. He noted that fund balance of approximately \$1.1 million, with about \$700,000 restricted for debt service on the bonds. The "General Fund" had approximately \$380,000, unassigned, for future spending. With regard to the "Statement of Revenues, Expenditures and Changes in Fund Balances", on Page 11, Mr. Grau explained that it is the income statement for the major funds, reflecting assessments, expenditures, and net income, by fund. He advised that the "General" fund had a profit of about \$90,000 and the other two funds had minor losses.

On Page 14, Mr. Grau called attention to the explanation of the new accounting standards adopted in Fiscal Year 2013. On Page 20, he referred to the bond schedule and noted that the bond payments were made. Mr. Grau stated that the "Management Letter", on Page 26, reflects that there were no findings.

- **Consideration of Resolution 2014-2, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2013**

**On MOTION for Brooks of Bonita Springs II by Mr. Davidson and seconded by Mr. Meeker, with all in favor, Resolution 2014-2, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2013, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolutions Approving the Districts' Proposed Budgets for Fiscal Year 2014/2015 and Setting a Public Hearing Thereon Pursuant to Florida Law**

With regard to the "Revenues", "Interest and miscellaneous", on Page 1, Mr. Davidson inquired about the \$17,809 received in Fiscal Year 2014, versus the budgeted amount of \$3,500. Mr. Adams will research this item.

Mr. Davidson referred to "Water Management", "Capital Outlay - lake bank erosion repairs", on Page 1, and called attention to the \$100,000 budgeted for Fiscal Year 2015. He voiced his understanding that the repairs were the responsibility of the Master Association or the individuals residing on the property. Mr. Adams explained that, in certain locations, the Districts own the lake tracts and the 20' lake maintenance easement is contained within the tract of ownership. In those situations, the Districts are responsible for maintaining the lake banks.

Mr. Davidson inquired about the total dollar amount, for the repairs, over time. Mr. Adams explained that the cost will be spread over a four or five-year period. Mr. Merritt confirmed that the cost will be approximately \$100,000, per year.

Mr. Davidson asked about areas that are not owned by the Districts. Mr. Adams advised that Staff will coordinate with the neighborhood and the Master Associations when erosion becomes a permit issue.

Mr. Ward asked if there are any increases in contractual obligations. Mr. Adams indicated that the landscaping contractor is holding to their multi-year contract and lake maintenance will go out to bid in 30 days. Ms. Crismond clarified that the landscaping contract will go out to bid this year, as well.

Mr. Ward asked if the budget anticipates costs related to bocce ball or pickleball. Mr. Adams stated "not at this point".

Mr. Adams called attention to the table, at the bottom of Page 2, and noted the assessment increase of less than \$2. He asked the Boards to authorize Management to use fund balance to reduce the assessment level, accordingly.

**On MOTION for Brooks of Bonita Springs by Mr. Douglas and seconded by Mr. Crawford, with all in favor, authorizing Staff to use fund balance to offset the assessment increase, was approved.**

**On MOTION for Brooks of Bonita Springs II by Mr. Strecansky and seconded by Mr. Pierce, with Mr. Strecansky, Mr. Pierce, Mr. Bartoletti and Mr. Meeker in favor and Mr. Davidson dissenting, authorizing Staff to use fund balance to offset the assessment increase, was approved. (Motion passed 4-1)**

Mr. Davidson indicated that he was opposed to Mr. Adams' request to use fund balance and questioned why unrestricted funds cannot be utilized to keep the assessments the same as last year. Mr. Merritt explained that this was what Mr. Adams requested. Brooks of Bonita Springs II called the matter to another vote.

**On MOTION for Brooks of Bonita Springs II by Mr. Strecansky and seconded by Mr. Pierce, with all in favor, authorizing Staff to use fund balance to offset the assessment increase, was approved.**

- **Resolution 2014-3, *Brooks of Bonita Springs Community Development District***

Mr. Bartoletti presented Resolution 2014-3 for the Boards' consideration.

**On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, Resolution 2014-3, Approving the District's Proposed Budgets for Fiscal Year 2014/2015 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 27, 2014 at 1:00 p.m., at this location, was adopted.**



- **Resolution 2014-3, *Brooks of Bonita Springs II Community Development District***

Mr. Bartoletti presented Resolution 2014-3 for the Board's consideration.

**On MOTION for Brooks of Bonita Springs II by Mr. Meeker and seconded by Mr. Davidson, with all in favor, Resolution 2014-3, Approving the District's Proposed Budgets for Fiscal Year 2014/2015 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 27, 2014 at 1:00 p.m., at this location, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolutions Placing  
Special District Candidates on General  
Election Ballot**

- **Resolution 2014-4, *Brooks of Bonita Springs Community Development District***
- **Resolution 2014-4, *Brooks of Bonita Springs II Community Development District***

Mr. Adams presented Resolution 2014-4 for the Boards' consideration. He explained that the Districts are required to make a public announcement, in a public meeting, with regard to seats are coming up for general election. The approval of the resolutions make note of the necessary disclosures.

Mr. Adams stated that, for Brooks of Bonita Springs, Seats 4 and 5 are up for election this year and both carry a four-year term. The general election will be held on November 4, 2014 and the candidate qualifying period is from noon, Monday, June 16 through noon, Friday, June 20. Candidates must appear in person to complete an application at the Supervisor of Elections office.

Mr. Adams indicated that, for Brooks of Bonita Springs II, Seats 3, 4 and 5 are up for election and each carry a four-year term. The general election will be held on November 4, 2014 and the candidate qualifying period is the same. The Supervisor of Elections will receive these resolutions, as statutorily required.

Mr. Bonner asked which Supervisors occupy the seats that are up for election. Mr. Adams indicated that, for Brooks of Bonita Springs, Seats 4 and 5, are currently held by Mr. Crawford and Mr. Ward, respectively. For the Brooks of Bonita Springs II, Seats 3, 4 and 5, are

currently held by Mr. Strecansky, Mr. Meeker and Mr. Bartoletti, respectively. Mr. Adams indicated that there is a pre-qualifying period; therefore, Supervisors may file in advance.

**On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, Resolution 2014-4, Placing Special District Candidates on the General Election Ballot, was adopted.**

**On MOTION for Brooks of Bonita Springs II by Mr. Davidson and seconded by Mr. Pierce, with all in favor, Resolution 2014-4, Placing Special District Candidates on the General Election Ballot, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Continued Discussion: Coconut Park  
Development/Management Plan**

**A. Consideration of Development Options**

Mr. Adams stated that, as directed by the Boards at the last meeting, a meeting was held to discuss the proposed plan.

Mr. Adams indicated that Option 1 was included in the survey and contains three bocce ball and three pickleball courts. Option 2 has no bocce ball courts and six pickleball courts.

For Option 1, under “Bocce – 3 courts”, Mr. Adams noted that, this year, maintenance involves a daily inspection, grooming and usage management; annually, a court service tune-up is required, which includes pressure washing, repainting/touching up lines, to be performed by Ritzman Tennis.

Mr. Adams reviewed the capital and annual costs for pickleball. He pointed out that, for Option 2, the costs are double.

Mr. Adams stated that relocating the basketball courts is a requirement, under Option 1, and involves demolition of the existing location, reconstruction in a different location and a new goal, for \$20,000. Relocation is not required under Option 2, as there are no bocce ball courts.

Mr. Adams advised that walkway additions, consisting of a combination of paver stones and mulch, are included under both options, for \$40,000.

Under “Perimeter Fence and Credential Access System”, Mr. Adams explained that Mr. Archazki noted that there appears to be more traffic from nonresidents; therefore, the consensus was to secure the facilities now, with a credential program, which is either proximity cards, swipe cards or key fobs. In order to gain access, the resident must register at The Commons Club;. Mr. Archazki will be provided with a list of the residents, by way of the lien rolls, and renters’ lists will be updated, periodically.

Referring to the drawing, located behind Tab 7A, Mr. Adams stated that the capital cost of \$28,750, includes a 4’ black vinyl coated chain link fence along the Coconut Road boundary, 4’ decorative aluminum fencing along the parking lot boundary with a double gate large enough to allow vehicle access for overflow parking and landscape maintenance vehicles and three pedestrian access gates. Mr. Archazki has indicated that The Commons Club has funding to secure the areas that are not on District property.

Mr. Adams noted that Brooks residents pay an annual debt service fee and an annual operation and maintenance (O&M) fee. It was previously discussed that the Districts have the ability to adopt a fee schedule that is consistent with fees paid by the residents, plus a multiplier, which will be the annual fee for nonresidents to use the facilities.

Mr. Adams stated that, in terms of management, Mr. Archazki indicated that he has a program in place; therefore, from The Commons Club’s perspective, it would be better to have a credential program that is consistent with theirs. Mr. Adams noted that The Commons Club members already have credentials, which can be imported into the Districts’ database, reducing the cost for additional credentials.

Mr. Adams called attention to the \$5,000 annual cost for “Maintenance/Management” and explained that it covers the day-to-day administration of access into the facilities, registration and scheduling reservations.

In summary, Mr. Adams indicated that the total capital investment, under Option 1, is \$275,330 and the annual operating cost is \$11,950. Under Option 2, which is for pickleball courts only, the total capital investment is \$229,000 and the annual operating cost is \$7,200.

**B. Discussion: Proposed Daily Usage Administration/Reservation Processing**

Mr. Bartoletti asked for questions with regard to reservation processing.

Mr. Davidson asked about the hours of operation for bocce ball and pickleball and how lighting will be controlled. Mr. Adams stated that the simplest way to handle lighting is with a timer. The timer allows the lights to come on within a certain time frame and a twist switch will be available to manually turn them on.

With regard to the hours of operation, Mr. Adams indicated that, typically, pickleball is a daytime sport and bocce ball is played in the evening. Mr. Archazki stated that pickleball is played from 8:00 a.m., until 8:00 p.m.

Mr. Douglas supported an 8:00 p.m., cutoff.

Mr. Bonner voiced his comfort with The Commons Club administering the facilities and feels that it is a good tool for the Districts to use.

Mr. Crawford indicated that it is customary to serve refreshments on the bocce ball courts and asked if service will be handled in conjunction with Rosie's and, if so, will Rosie's schedule be relevant to the use of the bocce ball courts.

Mr. Bartoletti recalled that, at the last meeting, the Boards approved moving forward with pickleball, only; however, the question is relevant to pickleball, as well, because refreshments are usually served.

Mr. Archazki advised that, at pickleball, no alcohol is served until the game is over because it is dangerous. He indicated that The Commons Club plans to possibly build an outdoor bar facility and additional outdoor dining. For tournaments, bar setup and food will be handled as a catered event; there will be no "natural" bar setup. Mr. Bartoletti asked about water fountains. Mr. Archazki anticipated that a water feature, such as a water fountain, would be built. On movie nights and for concerts, The Commons Club members are permitted to bring their own beverages. Mr. Archazki stated that The Commons Club is not planning to have any food and beverage function, at the location; however, they would be open to catering an organized event.

Mr. Crawford asked if there are statutory or legal requirements with regard to serving alcohol on public property. Mr. Adams indicated that, if Rosie's will be serving alcohol, there must be an agreement between the two entities; for B.Y.O.B., each homeowner's insurance policy is in force and the Districts are void of any liability. The owner of Rosie's must expand the liquor license in order to provide service at the facilities.

Mr. Strecansky expressed his preference for The Commons Club to handle the administration of pickleball and bocce ball and for the CDDs to be separated from the operation. From a legal standpoint, Mr. Strecansky wants to ensure that the CDDs take as little risk as possible. He stated that the CDDs are not in the business of providing drinks or handling scheduling; those are functions of The Commons Club. Mr. Strecansky would like the Districts to lease the land to The Commons Club and have The Commons Club handle everything.

Mr. Pierce explained that, as a resident, when the land was purchased, he felt it was the right thing to do because it would protect The Brooks from development that made no sense and the financial condition of The Commons Club was questionable. He recalled that, in the beginning, The Commons Club was structured to be the center of the amenities for The Brooks and they do a good job. Mr. Pierce indicated that he was unsure whether all possibilities for transferring the land were exhausted. In discussions with Shadow Wood constituents, Mr. Pierce found that a large number of residents did not realize that this was public land. He pointed out that, if The Commons Club owned and operated the facilities, it would be private land and the taxpayers would not be at risk, in the future, for maintenance and operating costs.

With regard to reservations, Mr. Davidson asked how conflicts are resolved. Mr. Archazki indicated that, as pickleball grows, 75% of the games will be pick-up games; people show up throughout the day. At certain periods, there is organized and structured play, which is advertised. Also, courts may be reserved. Reservations may be listed on the website or a chalkboard system may be utilized. Mr. Archazki advised against limiting play to those who have registered and received a key to the gate because it is the type of activity that is often spontaneous. He explained that The Commons Club has organized pickleball three days per week, from 8:00 a.m., until after 11:00 a.m. Throughout the day, there is open play. Mr. Archazki felt that a conflict over a court would occur less than 10% of the time.

Mr. Bartoletti asked how reservations will be handled when there are 3,552 potential players. Mr. Archazki indicated that play can be as organized or restricted, when necessary, if The Commons Club is in control. Mr. Bartoletti stated that he has been asked if nonmembers will have the same opportunity as Commons Club members, which is why he has been adamant about understanding the rules of engagement. Mr. Bartoletti stressed that nonmembers must be

assured that they will have equal access and, if memberships are sold to nonresidents, they also must be assured of equal play time.

Mr. Douglas stated that Mr. Adams presented this proposal under the assumption that it would be paid for by the CDDs. He pointed out that at least one Board Member feels that the land should be owned by The Commons Club; therefore, no decision can be made unless the Board Members are in agreement. Mr. Douglas indicated that he assumed that the CDDs would continue to own the land; he believed that The Commons Club cannot afford to purchase it.

Mr. Pierce questioned whether, one year from now, the Board Members want to be discussing the operations of pickleball when they have other issues to consider, such as lakes, and whether the CDDs' money is being spent properly.

Mr. Davidson stressed that the Board Members need to consider one issue at a time until it is resolved; the first issue is whether The Commons Club is in a position to buy back or lease the land.

Mr. Strecansky suggested that the CDDs lease the land to The Commons Club for \$1 per year and they can run the facilities themselves. Mr. Crawford explained that, because the CDDs are public bodies, they are restricted as to how they can convey land. He expressed his preference to facilitate The Commons Club's ability to take over the facilities.

Mr. Bonner stated that the CDDs should not be in the business of managing pickleball and bocce ball courts. He agreed that the Districts should meet with The Commons Club to discuss an arrangement to lease the land.

Mr. Cox explained that Chapter 190 authorizes the Board to accept or dispose of any interest in real property.

Mr. Crawford indicated that, with creative thinking, the Board Members may be able to devise a program to accomplish the plan without the CDDs having a direct role. He pointed out that The Commons Club knows how to run a facility and schedule activities; the Districts will be removed from the public involvement issue and operation of the facilities. Mr. Crawford noted that The Commons Club is currently devising a strategic plan and this could be included; it will enhance the amenity that The Commons Club provides to all of The Brooks.

Mr. Davidson pointed out that The Commons Club wants to expand the participation and enjoyment for all Brooks residents. Their focus group study indicated that many people do not

want to duplicate what they have. Mr. Davidson expressed his opinion that the last CDD meeting turned into more of a meeting of The Commons Club; Board Members voted on bocce ball, which was more important than pickleball, in the 2012 survey. He recalled that newsletters were sent out with the idea that both items were in the Districts' program. Mr. Davidson stated that, regardless of who takes over, it is important to include both bocce ball and pickleball. He indicated that he would like to rescind the motion made at the last meeting to eliminate bocce ball.

Mr. Crawford proposed eliminating everything from the CDDs' agenda and turning it over to The Commons Club.

Mr. Bartoletti noted the two options for consideration; which includes the outright purchase of the land from the CDD or a lease agreement. He asked for a motion to approach The Commons Club regarding purchasing or leasing the property that the CDDs currently own.

Mr. Ward recalled that, when the CDDs purchased the land from The Commons Club, there was a lot of disagreement because it was viewed as a benefit to The Commons Club and their members; therefore, particularly with a lease agreement, the Board Members must ensure that it is not perceived as a benefit to The Commons Club. He also pointed out that the new facilities would belong to The Commons Club, which eliminates use by the 1,200 residents who are not members.

Mr. Bonner suggested adding another class of membership, which would allow usage by all residents. He advised that he would like to proceed with the motion to meet with The Commons Club to devise an arrangement that is good for the entire community.

Mr. Bartoletti acknowledged that there is a degree of sensitivity regarding how leasing is approached; leasing should be considered but it must be at a price that is attractive to those who purchased the property.

With regard to the motion, Mr. Bartoletti voiced his opinion that Management should meet with The Commons Club because the Supervisors have vested interests.

Mr. Merritt stressed that the community has a great quality of life and this project will only improve it; there is a demonstrated need and the surveys support it. Mr. Merritt felt that the Board Members should take positive action; therefore, he was opposed.

**On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr. Douglas, with Mr. Crawford, Mr. Douglas, Mr. Ward and Mr. Bonner in favor and Mr. Merritt dissenting, authorizing Management to pursue the sale or lease of the park property to The Commons Club, was approved. (Motion passed 4-1)**

**On MOTION for Brooks of Bonita Springs II by Mr. Meeker and seconded by Mr. Davidson, with all in favor, authorizing Management to pursue the sale or lease of the park property to The Commons Club, was approved.**

**EIGHTH ORDER OF BUSINESS**

**Copperleaf Signatures in Support of  
Pickleball Courts**

This item was not discussed.

**NINTH ORDER OF BUSINESS**

**Approval of Minutes**

**A. February 26, 2014 Joint Regular Meeting**

Mr. Bartoletti presented the February 26, 2014 Joint Regular Meeting Minutes and asked for any additions, deletions or corrections.

The following change was made:

Line 67: Change “wells” to “walls”

**On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the February 26, 2014 Joint Regular Meeting Minutes, as amended, were approved.**

**On MOTION for Brooks of Bonita Springs II by Mr. Meeker and seconded by Mr. Pierce, with all in favor, the February 26, 2014 Joint Regular Meeting Minutes, as amended, were approved.**



**B. April 9, 2014 Joint Special Meeting**

Mr. Bartoletti presented the April 9, 2014 Joint Special Meeting Minutes and asked for any additions, deletions or corrections.

The following changes were made:

Line 208: Change "Pierce" to "Crawford"

Line 209: Change "Merritt" to "Pierce"

**On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Douglas, with all in favor, the April 9, 2014 Joint Special Meeting Minutes, as amended, were approved.**

**On MOTION for Brooks of Bonita Springs II by Mr. Meeker and seconded by Mr. Pierce, with all in favor, the April 9, 2014 Joint Special Meeting Minutes, as amended, were approved.**

**TENTH ORDER OF BUSINESS**

**Other Business**

With regard to the National Pollutant Discharge Elimination System (NPDES) report, Mr. Merritt recalled that Mr. Robson discussed an education program that NPDES was encouraging associations to take advantage of because it is part of their credentialing. He asked if the Shadow Wood Community Association should arrange for a county representative to make a presentation with regard to water quality and the NPDES report.

Mr. Tilton explained that one of the credits that CDDs can receive for water quality is for providing education about what constitutes good operation and maintenance. Residents must be made aware that anything they do to their property affects the general water quality of the stormwater ponds and, downstream, to the receiving water. Mr. Tilton stated that, if the HOAs host a presentation, it would help the overall program. Mr. Bartoletti advised that the Bonita Fishing Club will have a presentation at their December meeting; a recommendation was made to the Copperleaf board to have a presentation at their annual board meeting.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Cox indicated that he had no updates.

Mr. Merritt inquired about the status of the emergency outfall agreement. Mr. Adams advised that it was executed and transmitted.

Mr. Davidson recalled that, when the park property was purchased from The Commons Club, Mr. Cox conveyed that members of the public were permitted to use the land as long as the Districts had public financing. Mr. Davidson asked if he meant as long as the Districts were using public funds to purchase the property or as long as the property was being financed. He also asked if “the public” referred to the taxpayers paying the non ad valorem taxes, as opposed to any Lee County taxpayer.

Mr. Cox explained that IRS regulations do not allow the Districts to use tax-exempt financing for nonpublic purposes. The IRS adopted regulations indicate that, during the time that bonds are outstanding, the property must be open to the general public at large. Once the bonds are paid off, the IRS no longer cares; however, if public funds are used to operate and maintain the property, it must remain available for use by the general public. If the Districts were to lease the property to The Commons Club, there is more opportunity to restrict usage to community members.

**B. Engineer**

Mr. Tilton reported that it is Johnson Engineering’s understanding that, this week, South Florida Water Management District (SFWMD) is in the process of writing the permit for the north emergency outfall alterations. He pointed out that, without the agreement, SFWMD would not write the permit.

**C. Manager**

**i. Approval of Unaudited Financial Statements as of April 30, 2014**

Mr. Adams reported that revenue and expenditures were in line.

**ii. Registered Voters in Districts as of April 15, 2014**

- **Brooks of Bonita Springs: 1,989**
- **Brooks of Bonita Springs II: 1,394**

As of April 15, 2014, there were 1,989 registered voters residing within the boundaries of Brooks of Bonita Springs and 1,394 registered voters residing within the boundaries of Brooks of Bonita Springs II.

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

Mr. Adams clarified that the next meeting will be held on July 23, 2014 at 1:00 p.m.

**D. Operations Report**

**i. Landscape Maintenance Activities**

**ii. Lake Maintenance Activities**

Ms. Crismond reported that Management continues to meet with The Brickman Group (Brickman), on a monthly basis, regarding landscape maintenance and to review the deficiencies. Brickman has been working under several defective work notices since mid-January; therefore, Management is withholding payment until the deficiencies are resolved. Ms. Crismond expressed hope that, when Management meets with Brickman later this week, the deficiencies will be resolved. She noted insect issues, pest issues, mold and fungus.

With regard to the hedge program approved by the Boards in 2012, Ms. Crismond indicated that there are areas along the fence line that resulted from fungus. It was not treated quickly enough and deteriorated. The entire hedge should be at fence height but is not.

Ms. Crismond stated that, if the deficiencies are not resolved, the money that is being withheld will allow Management to hire another contractor to bring the property up to par. Ms. Crismond noted that the landscape contract expires on November 30; Management will commence the sealed bidding process later this year.

With regard to lake maintenance, Ms. Crismond reported that Management followed up with LakeMasters after the last Board Meeting; all of Management's concerns were addressed. A tour of the property will be conducted in the next few weeks and areas requiring littoral plantings will be identified.

Ms. Crismond advised that the lake and wetland contract will expire on August 31. Management will hold a mandatory pre-bid meeting on July 8 and the proposals will be presented for consideration at the August meeting.

**TWELFTH ORDER OF BUSINESS      Supervisors' Requests**

Mr. Ward asked where the meeting with The Commons Club will be held. Mr. Bartoletti responded that Mr. Adams will coordinate the meeting with Mr. Archazki. Noting Mr. Merritt's concern regarding delays, Mr. Ward indicated that the sooner they begin, the better.

Mr. Bonner voiced agreement and advised that many residents are interested in doing something with the park property and the Board Members owe it to the community to move forward. Mr. Bonner indicated that he would like the Chair to appoint someone to meet with The Commons Club representatives and present a proposal at the next CDD Meeting.

Mr. Ward noted that the idea must be discussed by The Commons Club board, which may take time.

Mr. Bartoletti confirmed that the Boards asked Mr. Adams to meet with Mr. Archazki to begin discussions. He hopes to have an update for the July meeting.

**THIRTEENTH ORDER OF BUSINESS**

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

Mr. Blaicher indicated that he will approach the Oak Hammock board to determine whether there is interest in removing the boulders. Since the boulders are on CDD property, Mr. Blaicher assumed that they may be disposed of on CDD property, such as in the lake.

Mr. Tilton advised that disposing of the boulders in the lake is a possible solution; however, the depth of the lake must be determined to ensure there are no other complications. The boulders must be placed far enough into the lake that they do not interfere with maintenance.

With regard to a question from Mr. Blaicher about liability, Mr. Bartoletti confirmed that an evaluation must occur before they proceed and then the size of the boulders must be verified in order for the District Engineer to determine which equipment will be required to place them in the lake.

Mr. Douglas advised that the Boards will make every effort to work with Mr. Blaicher to resolve the issue.

Mr. Blaicher reiterated that there is slime on the bank and it is unsightly.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr. Merritt, with all in favor, the meeting adjourned at approximately 3:05 p.m.**

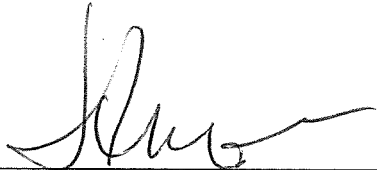
**On MOTION for Brooks of Bonita Springs II by Mr. Davidson and seconded by Mr. Meeker, with all in favor, the meeting adjourned at approximately 3:05 p.m.**

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


**June 9, 2014**

**FOR BROOKS OF BONITA SPRINGS:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BROOKS OF BONITA SPRINGS II:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair