

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

The Brooks of Bonita Springs & Brooks of Bonita Springs II Community Development Districts' Boards of Supervisors held a Joint Special Meeting on September 26, 2018 at 2:00 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 (via telephone)	Vice Chair
Rollin Crawford	Assistant Secretary
Phil Douglas	Assistant Secretary

Present for Brooks II CDD were:

Joseph Bartoletti	Chair
Jack Meeker	Assistant Secretary
Ray Pierce (via telephone)	Assistant Secretary
James Strecansky	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Jason Olson	Assistant Regional Manager
Dan H. Cox	District Counsel
Doug Bonar	Ramco Protective Services
Alex Messerle	Resident
Glenn Korthage	Resident
Jerry O'Connor	Resident and President of Oak Hammock 1
Ike Eikelberner	Resident and President of Copperleaf
Kathleen McCarthy	Resident
Darlene Damstrom	Resident
David Rudnik	Resident
Bill Hollister	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 2:00 p.m. Supervisors Douglas, Merritt and Crawford were present, in person, for Brooks of Bonita Springs. Supervisor Ward was attending via telephone. Supervisor Varnum was not present. Supervisors Strecansky, Meeker and Bartoletti were present, in person, for Brooks of Bonita Springs II. Supervisor Pierce was attending via telephone. Supervisor Davidson was not present.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, authorizing Mr. Ward attendance and full participation, via telephone, due to exceptional circumstances, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Meeker, with all in favor, authorizing Mr. Pierce attendance and full participation, via telephone, due to exceptional circumstances, was approved.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

Mr. Alex Messerle, a resident, complimented the CDDs and The Commons Club for the upgrades to the tennis court area, which further encouraged residents of Copperleaf to use the facilities. He provided a brief history about increasing the popularity of pickleball for Copperleaf residents and asked the CDDs to allow the Saturday morning schedule to continue.

Mr. Glenn Korthage, a resident, voiced concern about blocking a significant amount of time every week for one, as it is unfair to the other three communities; if done, the same amount of time should be blocked off for the other communities. He addressed this in an email to Board Members on Monday.

Mr. Jerry O'Connor, a resident and President of Oak Hammock 1, received an email from their Advisory Committee expressing concerns about the Pickleball Rule Changes being presented at today's meeting. Since they were not able to attend today, he read a revised copy of the letter that was originally sent to CDD Board Members as follows:

"It's been reported to me that the CDD Brooks Board is going to consider making pickleball rule changes at its September 26, 2018 Board meeting. In the spring of 2018 a pickleball Advisory Committee was established with one representative

from each community within the Brooks. It seems logical that the CDD Board would be wise to consider any recommendations it receives from this group. If the Board does not have personnel with detailed knowledge of the pickleball issues within the Brooks, good decisions will be difficult to find without a detailed review of the opinions offered by your own pickleball Advisory Committee.

My personal concern involves the reported actions of Mr. Bartoletti who, as the Chairperson, prepared the entire presentation you are about to review without any Advisory Committee approval to review. The pickleball committee met with each other over a six month period and I believe Mr. Bartoletti participated in these discussions. Committee member(s) report that they were instructed not to discuss anything regarding these issues with anyone other than committee members. As such, your CDD Board is effectively restricting communication between people who possess more knowledge than any of its current board members. Mr. Bartoletti apparently took no Advisory Committee votes on any matter. In the final analysis, he drafted a full presentation for this CDD Board meeting without notifying anyone on the Advisory Committee. In other words, this entire presentation could represent the personal views of only one person.

I would strongly recommend you delay any vote on virtually all pickleball issues until your Board consults with and hears the detailed perspectives from your Advisory Committee. This group appears to take issue with many of the recommendations being made today by Mr. Bartoletti. When opinions differ, you are best served by reviewing the details of all positions being offered.” [sic]

A copy of the revised letter would be distributed to the CDD Board.

Mr. Ike Eikelberner, a resident and President of Copperleaf, discussed his participation in Brooks of Bonita Springs purchasing The Commons Club. While he appreciated Mr. Messerle comments, they were solely views of the group he represents, since the Copperleaf Board has not addressed this issue or discussed the request for a separate time.

Ms. Kathleen McCarthy, a resident, stated the schedule was the best part when she and her husband started playing pickleball. The most fun was that interested players came on

Monday, Wednesday and Friday mornings but now they want to set limits, if the Chelsea System is implemented. This takes the fun out of playing and the potential to meet new people. Cooperleaf residents should not feel they cannot come and play with that group.

Ms. Darlene Damstrom, a resident, highlighted some of the concerns listed in her September 24th email and asked why the Boards were considering switching back to a system and restricting play time to 1½ hours, when the current system is working fine. She was not aware of any scheduling conflicts, except when it comes to blocking out play for CopperLeaf residents. She was concerned about preventing non-members from joining. She started playing as a non-member and, because of pickleball, then decided to purchase a home in the community. She and others did not receive the survey.

Mr. David Rudnik, a resident, commented on several issues, and asked:

- Why there was just one bid being presented from Ramco Protective Services (Ramco).
- Whether bids were solicited from other firms.
- Why were advanced payments being made, when it is customary for payments on commercial construction to be made on a progress-billing basis.
- What assurance there was that the proposal contains a financial review of the bonded insured.
- How does the manufacturer's warranty compare to competitive bids, if any were received.

Mr. Rudnik referred to Question #5 of the Pickleball Survey, and asked:

- Who made the changes to the survey question and why, when the current play time is two hours and the survey indicates 90 minutes of play time.
- How decisions were made in designating certain groups to specific time slots.
- Why the largest group did not receive their preferred time slot.

Mr. Bill Hollister, a resident, recalled several reasons why the CDDs purchased The Commons Club and the enhancements made; however, as a concerned resident and on behalf of the taxpayers, he is opposed to the CDDs establishing a Sports Club, providing additional security and rules to this parcel, resulting in unintended consequences, and asked the Boards to consider selling the property back to them or to one of the surrounding communities.

JOINT BOARD ITEMS

THIRD ORDER OF BUSINESS

Ramco Proposal Review Plus Q&A

Mr. Doug Bonar, of Ramco, provided examples of key fobs from two manufacturers and stated that, once the contract is finalized Ramco will purchase the access control system from DoorKing, who provides a two year manufacturer's warranty. Ramco is properly insured and located in the vicinity; more information can be found on their website.

Mr. Meeker asked if other competitive bids were received. Mr. Bartoletti stated that Ramco was recommended, since they performed work in other communities, and was asked to provide a quote. Other quotes were being obtained. The purpose of this presentation was to update the Boards, ask questions, review the proposal and, if necessary, make modifications. They could choose to proceed with this proposal or direct Mr. Bartoletti to obtain more proposals. Some felt that the presentation was premature and voting should not occur.

FOURTH ORDER OF BUSINESS

Pickleball Survey Results

Mr. Bartoletti explained how the survey and proposal process was initiated, as a result of certain Pickleball Players Group Board Members making comments in March about non-residents playing on the courts and requesting more play for The Brooks community. Since the CDDs are public entities, requiring the facilities to be accessible to the public, they obtained advice from District Counsel as to the appropriate process to determine if a non-resident membership fee can be created and how they can obtain access. To avoid having Mr. Bonar sit through an entire meeting, the proposal review was before the Membership Fee Proposal. He discussed those involved in creating the survey questions and the number of residents that participated and completed the survey. The survey was presented, via conference call, to two other private clubs who implemented the Chelsea System, initiating 90 minute play time periods. Those involved in creating the survey heard their answers to the survey. He contacted them again once the resident's survey results were submitted and calculated and made the decision to reduce playing time to allow more players to use the courts.

Discussion ensued regarding the survey not being reflective of the actual activity at the courts that would benefit from reduced play time, reducing play time is not reflective of off

season play, the CDDs were not the forum to resolve this complex issue since they only meet a few times a year and, therefore, should consider the previous suggestion of involving the pickleball operation to either The Commons Club or whomever.

Mr. Meeker agreed with the prior comment and suggests asking District Counsel to explore the issue of divesting the CDDs from The Commons Club and sell it, as the sole purpose of purchasing it was because it had no funds. Now that The Commons Club is financially secure, the CDD should not be involved in the "Country Club" business.

Mr. Douglas stated he did not agree with most of the prior statement but agreed with the part about whether the CDDs should be in the business of amenity management. He was not prepared to suggest selling the property but, rather, look at the concept of amenity management.

Mr. Pierce agreed that it is time to debate the issue of whether the CDDs should sell the property.

Mr. Strecansky stated that he agreed that the CDDs should not be responsible for this issue and that they should engage someone from The Commons Club to set a system in place. He did not think the CDDs should own the property; they should sell it or lease it.

Mr. Bartoletti stated, as the person involved in these discussions and the complexity he has encountered these last six months, from performing surveys, determining membership fees between residents and non-residents, etc., he agreed the CDDs should not be involved in running an amenity, such as pickleball. Since the CDDs cannot have discussions outside of public meetings, the purpose of today's meeting was to provide information; he did not expect approval today.

In response to several questions, Mr. Cox confirmed that the property could be leased or sold and recommended an open sale process, where factors other than dollar values can be considered. Mr. Adams asked Mr. Cox to explain his opinion on leasing a public-owned property to a private entity, which potentially could give them the opportunity to restrict access to the general public. Mr. Cox referred to a similar case in point, where the City of Tallahassee owned land that had a golf course on it and a private organization established in the 1960's, wanted to lease the golf course for members only to play and recalled the ruling was they could

not operate it as a segregated facility, they could still have the membership only capability but they had to have it open to anybody that was interested and any protected classes. He stated non-residents were not considered a protected class.

Mr. Crawford stated that, besides the financial outcome, the Boards must first decide whether it makes sense to explore how to accomplish a transfer of this amenity into the hands of the right entity to manage it and off the CDDs' responsibilities.

Mr. Merritt recalled a caveat in which the CDDs had to be involved in the process of monitoring and completing the pickleball courts and now the CDDs were not the appropriate entity to do so. He felt that the CDDs needed to be careful in how they proceed going forward, since other integral parts, such as the fountain, playground, parking lots, etc., were involved. The external use of the property was critical to him and he suggested moving cautiously and possibly finding an entity to administer the pickleball courts, rather than the other options.

Mr. Strecansky's recommendation was for The Commons Club to own and operate the courts and have them come up with a program to present to the Boards.

**On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr. Douglas, with Mr. Crawford and Mr. Douglas in favor and Mr. Merritt and Mr. Ward dissenting, exploring the options to convey the property as a lease or to sell the park property and facilities, under certain caveats, was not approved.
[Motion failed 2-2]**

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Meeker, with all in favor, exploring options to convey the property as a lease or to sell the park property and facilities, under certain caveats, was approved.

Mr. Crawford noted the property is located in Brooks. Discussion ensued regarding Brooks having the controlling vote but both CDDs sharing expenses. Mr. Adams stated that the property is deeded to both Districts with both CDDs listed.

In response to Mr. Ward's question, Mr. Cox stated that he must research the outcome of the case he discussed, before rendering a definitive answer regarding whether the facilities must be open to nonresidents if the CDDs leased the property to a third party.

Mr. Ward stated that the sale occurred because both sides thought it was in the best interest of both parties to sell the land to the CDDs and not because The Commons Club was not financially viable.

Regarding his prior comment about whether the CDDs should be involved in pickleball and the amenities, Mr. Ward recalled discussions, at the time, and Mr. Adams stating it was not uncommon for CDDs to be involved with amenity programs within their jurisdiction. He noted the CDDs performed due diligence before entering into this transaction and were aware they would have to deal with offering it to people outside of The Brooks community.

Mr. Meeker asked Mr. Ward if, once the CDDs purchased and closed on the property, The Commons Club paid off the bank. Mr. Ward replied affirmatively. Mr. Meeker asked why the CDDs had to come up with the funds and borrow money. Mr. Ward stated that, at the time, it was the conclusion of the Board of Directors of The Commons Club that the land that was sold to the CDDs was not necessary for the operations of The Commons Club and there were members of The Commons Club Board who believed there was an opportunity to sell it to a third party and raise funds in order to decrease The Commons Club's debt. At the time, there were two dissenting votes questioning whether purchasing it was the right thing to do. Mr. Bartoletti felt that the CDDs should reimburse homeowners who contributed to it, since surplus funds that could have been used to reduce operating expenses, etc., were used. The CDDs are now concentrating on capital improvement items, such as lake bank erosion and aerating lakes, rather than using funds to construct more pickleball courts. An increase to the operating maintenance cost was made two years ago to build surplus to perform these functions, protect the property, protect the lake banks and improve water quality.

Mr. Adams stated a series of meetings would be needed to resolve this matter. Mr. Bartoletti suggested tabling these items until the next meeting. The current process of accepting non-resident members would stay and they would be entitled to play on the courts and the areas mentioned and should not be told otherwise.

Mr. Adams asked Mr. Cox to provide an update on the Lighthouse Bay issue. Mr. Bartoletti stated that, when in Executive Session, it was never adjourned. He stated that Mr. Meeker asked for the Executive Session to continue. He asked if this meeting needs to adjourn to go into the Executive Session to have that discussion.

Mr. Cox stated it was not possible since there is no Court Reporter present. He stated that he received an email from the other side asking his availability to participate in a conference call. The time limit is September 30, 2018.

FIFTH ORDER OF BUSINESS

Pickleball 2018-2019 Calendar

This item was deferred to the next meeting.

SIXTH ORDER OF BUSINESS

Chelsea Reservation Explanation for Open and Private Play

This item was deferred to the next meeting.

SEVENTH ORDER OF BUSINESS

Brooks CDD Park Membership Fee Policies (2) Review and Approval

This item was deferred to the next meeting.

EIGHTH ORDER OF BUSINESS

Brooks CDD Pickleball Association Formation Document Review and Approval

This item was deferred to the next meeting.

NINTH ORDER OF BUSINESS

Brooks CDD Pickleball Association Attachments A Thru E Review and Approval

This item was deferred to the next meeting.

TENTH ORDER OF BUSINESS

Establish Date for Public Hearing for Membership Fee Approvals

This item was deferred to the next meeting.

ELEVENTH ORDER OF BUSINESS

**Approval of Email to Brooks Owners on
Survey Results, Membership Fees, etc.**

This item was deferred to the next meeting.

TWELFTH ORDER OF BUSINESS

**Establishment of Paypal Account and
Setup Information**

This item was deferred to the next meeting.

THIRTEENTH ORDER OF BUSINESS

Supervisors' Requests

This item was not addressed.

FOURTEENTH ORDER OF BUSINESS

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

There being no public comments, the next item followed.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

**On MOTION for Brooks of Bonita Springs II by Mr. Meeker and seconded by
Mr. Bartoletti, with all in favor, the meeting adjourned at 3:10 p.m.**

**On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr.
Douglas, with all in favor, the meeting adjourned at 3:10 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

September 26, 2018

Cops Ali
Secretary/Assistant Secretary

[Signature]
Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:

Cops Ali
Secretary/Assistant Secretary

Joseph Bartolacci
Chair/Vice Chair