

**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 March 7, 2022 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
Rollin Crawford (via telephone)	Assistant Secretary
Bill Docherty	Assistant Secretary
William Stoehr	Assistant Secretary

Present for Brooks II CDD were:

Joseph Bartoletti	Chair
Ray Pierce	Vice Chair
Ken D. Gould	Assistant Secretary
Thomas Brown	Assistant Secretary
Thomas Bertucci	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Dan H. Cox (via telephone)	District Counsel
Brent Burford	District Engineer

Residents present were:

Gary Renaud	Ed Pieper	Cindy Nielsen	Ron Trotter
Alan Silverman	Sam Till	Sandra Wilson	Linda Thompson
Pam Gatz	Bill Hollister	Rod Woolsey	Pat Schoenleber
Carter Simpson	Andrew Bregman		

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:00 p.m. For Brooks of Bonita Springs, Supervisors Merritt, Docherty and Stoehr were present, in person. Supervisor Crawford was attending via telephone. Supervisor Varnum was not present. For Brooks of Bonita Springs II, all Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

Residents Gary Renaud, Ed Pieper, Cindy Nielsen, Ron Trotter, Alan Silverman, Sandra Wilson and Pam Gatz commented in favor of approving plans for the CDDs to construct six new regionally competitive pickleball courts and properly sized amenity and to spread the costs across all residences within The Brooks. The following is a synopsis of the public comments, opinions and statistics that were presented in support of more courts:

- Petition: 50 Long Leaf homeowners and 1,200 from Shadow Wood signed the petition in support of the CDDs building new courts.
- Nearby Communities: Pelican Sound currently has 10 courts and plans to add eight more. The Landings has eight courts. The Golf Club was also proactive in expansion.
- Overall, with over 3,500 doors, the opinion is that the CDDs cannot keep up with the demand for pickleball courts.
- Management of the pickleball facility should be transferred to The Commons Club.
- Enhancing a common area facility enhances home values, regardless of whether the homeowner plays pickleball.

Resident Sam Till discussed his memberships at The Commons Club and at the Bonita Bay Golf Club, which is expanding its pickleball courts at the members' expense. He is against making all CDD homeowners pay for the pickleball amenity and asked why the Pickleball Club is not paying for it.

Resident Sandra Wilson stated that non-pickleball players were polled and, of the residents in her community who signed the petition, her household was the only one with pickleball players.

Resident Pat Schoenleber supported building new courts and asked about liability coverage and if everyone can use the amenity if the CDDs fund it. Mr. Bartoletti stated the courts would be open to the public; the CDDs would establish non-resident fees.

Resident Linda Thompson voiced her opinion that pickleball is not a fad; rather, it is one of the fastest growing sports in the country. She mentioned a community in Texas that is building 30 courts, with the ability to build up to 60.

Mr. Bartoletti explained the requirements for all Board Members to adhere to the Sunshine Law; therefore, all decisions and discussions can only take place at a public meeting. He stated that he and Mr. Merritt were designated as the CDD Representatives to speak with The Commons Club and present their recommendations to the other CDD Board Members during a public meeting.

THIRD ORDER OF BUSINESS

Update: Pickleball Discussions with The Commons Club

Mr. Bartoletti presented the March 7, 2022 PowerPoint of the various actions and discussions that transpired and ultimately resulted in the recommendation to the Boards, to add six new pickleball courts to the existing three, which are in need of repair, and for The Commons Club to manage the amenity.

The following items from the presentation helped form the conclusion:

- The option of a shared cost land lease approach with The Commons Club is not viable, as certain things did not make economic sense or would not achieve the CDDs' objectives.
- Milestones that need to occur:
 - ✓ Authorize the District Engineer to develop a Site Plan for approval no later than August 2022 and determine the Site Preparation Costs and Timing, once the Village of Estero approves the Site Plan, which may take three to six months.
 - ✓ Hopefully bid the project within 30-days of Site Plan, approval; September, 2022.
 - ✓ Hold a Special Meeting to present the bids; \$800,000 is the expected cost but the cost might be higher, due to costs of materials increasing nationwide.
 - ✓ Develop funding and operating costs.

- ✓ Retain a Professional Services Company to develop classes of public and private usages fees to keep the CDDs at arms-length, in the event of litigation.

Mr. Bartoletti made a motion. Comments were heard from several residents, Board Members discussed numerous items to be included and expressed their opinions and the Board Members were polled for their position on the matter.

Mr. Bartoletti restated his motion based on the comments and discussions and all Board Members present were polled and unanimously approved the motion.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Brown, with all favor, affirming support for a plan by authorizing the expenditure of operating funds for an engineering firm to develop a site plan for submission to the Village of Estero for approval, along with the cost estimate for site preparation and timing, authorizing a law firm to develop a Commons Club contract for managing the courts and engaging a professional firm to identify the costs and develop the classes of public and private play usage fees, was approved.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Docherty, with all in favor, affirming support for a plan by authorizing the expenditure of operating funds for an engineering firm to develop a site plan for submission to the Village of Estero for approval, along with the cost estimate for site preparation and timing, authorizing a law firm to develop a Commons Club contract for managing the courts and engaging a professional firm to identify the costs and develop the classes of public and private play usage fees, was approved.

- **Consideration of M.R.I. Inspection LLC Proposals for Pipe Cleaning for Shadow Wood and Copperleaf Neighborhoods**

This item was an addition to the agenda.

Mrs. Adams distributed M.R.I. proposals for culvert cleaning for the Shadow Wood and Copperleaf neighborhoods. The costs are dependent on the decision whether to have structures found to contain 25%, 35% or 50% of debris in the pipe cleaned. She asked for approval to proceed with those pipes at 50%, which will exceed the budget, as other repairs

were done earlier in the Fiscal Year. The Board Members voiced their concern about liability, if they chose a percentage based solely on budget. Mrs. Adams stated that this is done every three years to prevent flooding. Mr. Burford stated that cleaning those at 25% is recommended because, at 50%, it reduces the amount of volume.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the M.R.I. Inspection LLC Estimate #3283, for Shadow Wood culvert cleaning structures containing 35% or more debris, in a not-to-exceed amount of \$71,750, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, the M.R.I. Inspection LLC Estimate #3283, for Shadow Wood culvert cleaning structures containing 35% or more debris, in a not-to-exceed amount of \$71,750, was approved.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, M.R. I. Inspection LLC Estimate #3280, for Copperleaf culvert cleaning structures containing 35% or more debris, in a not-to-exceed amount of \$10,650, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, M.R. I. Inspection LLC Estimate #3280, for Copperleaf culvert cleaning structures containing 35% or more debris, in a not-to-exceed amount of \$10,650, was approved.

▪ **Update: Pickleball Courts**

This Item was an addition to the agenda.

Mr. Willis reported the following:

- The new pickleball net was delivered today and ready for installation.
- Quotes to resurface areas identified as trip hazards were being obtained.
- The gate was repaired.
- The pickleball area was pressure cleaned in December, 2021.

➤ Bentley Electric repaired two lights and eight drivers on the light systems since December 2021. They believe the reason the drivers are dying is due to age and they are looking to purchase from other vendors, as the original vendor is no longer producing them.

A Board Member asked if all liability issues were being addressed. Mr. Willis replied affirmatively; however, proposals are pending, so not all repairs are done. The Boards must decide if they want to allow play to continue or to close the courts.

▪ **Consideration of The Village of Estero's South Marquee Request**

This Item was an addition to the agenda.

Mr. Adams presented the Village of Estero's request to install a southbound marquee on Three Oaks Imperial Parkway and the proposed landscape package. He stated that the Village would incur all costs, including tying into the CDD's irrigation line.

Continuation of Pickleball Update

As the Boards were just notified of a trip hazard at Court #1, Mr. Bartoletti asked Mr. Cox if play should be allowed or if the courts should be closed until the area is repaired. Mr. Cox stated it depends on if an injury is extremely likely to occur during play; otherwise, the CDDs can keep the courts open, as long as they address the issue speedily. They could paint the area yellow, while a proposal is being obtained to grind down the area, and install temporary signage advising to be careful as the painted area could be hazardous. The Boards directed Mr. Willis to proceed with the above actions and send the Pickleball Club a memo of the CDDs' plan of action and ask them to inform players of the potential trip hazard.

Continuation of the Village of Estero's Request to install a Marquee

Mr. Bartoletti preferred installing a CDD monument in the center median and to reconsider a different location for The Village's marquee. Discussion ensued regarding the CDDs' boundaries and determining the best location. Mrs. Adams was asked to obtain proposals for CDD signs. Mr. Adams would notify The Village that the request is being considered.

FOURTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Docherty asked about the unpaid bill from Coconut Point and if Mr. Cox sent the letter. Mr. Adams stated that Mr. Cox sent the letter and filed the complaint with the court.

This item will be included on the April agenda.

FIFTH ORDER OF BUSINESS

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

There were no public comments.

SIXTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Docherty, with all in favor, the meeting adjourned at 3:50 p.m.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Brown, with all favor, the meeting adjourned at 3:50 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

March 7, 2022

FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair