

**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 Regular Meeting on January 27, 2021 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
Rollin Crawford (via telephone)	Assistant Secretary
Sandra Varnum	Assistant Secretary

Present for Brooks II CDD were:

Joseph Bartoletti	Chair
Ray Pierce	Vice Chair
Ken D. Gould	Assistant Secretary
Thomas Brown (via telephone)	Assistant Secretary
Thomas Bertucci	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Tammie Smith	Operations Manager
Dan H. Cox (via telephone)	District Counsel
Brent Burford (via telephone)	District Engineer
Blake Grimes	GulfScapes (GS)
Mark Grimes	GulfScapes (GS)
Bill Docherty, Jr.	Supervisor-Appointee
Ed Shinouskis	Non-Resident
Alex Meserley	Resident
Ed Piper	Resident
Cindy Nelson	Resident
Tom Schuck	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mrs. Adams called the meeting to order at 1:00 p.m. For Brooks of Bonita Springs, Supervisors Merritt, Ward, Douglas and Varnum were present, in person. Supervisor Crawford

was attending via telephone. For Brooks of Bonita Springs II, Supervisors Pierce, Gould, Bertucci and Bartoletti were present, in person. Supervisor Brown was attending via telephone.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

There being no public comments, the next item followed.

BROOKS OF BONITA SPRINGS ITEMS

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors, Phil Douglas [Seat 1], James Merritt [Seat 2] and Sandra Varnum [Seat 3], (*the following will be provided in a separate package*)

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Douglas, Mr. Merritt and Ms. Varnum. She provided the following items:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Chapter 190, Florida Statutes**
- D. Financial Disclosure Forms**
 - a. Form 1: Statement of Financial Interests**
 - b. Form IX: Amendment to Form 1, Statement of Financial Interests**
 - c. Form 1F: Final Statement of Financial Interests**
- E. Form 8B: Memorandum of Voting Conflict**

FOURTH ORDER OF BUSINESS

Consideration Resignation of Supervisor James Ward, Seat 5, Term Expires November, 2022

Mrs. Adams presented Mr. Ward's resignation.

On MOTION by for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the resignation of Mr. James Ward, from Seat 5, was accepted.

FIFTH ORDER OF BUSINESS

**Discussion/Consideration: Appointment to
Unexpired Term of Seat 5**

Mr. Adams stated that he received a resume from Spring Run resident Mr. Bill Docherty.

Mr. Docherty gave a brief summary of his professional background and discussed his interest in serving the Brooks community.

Ms. Varnum nominated Mr. Bill Docherty, Jr., to fill Seat 5. No other nominations were made.

On MOTION by for Brooks of Bonita Springs by Ms. Varnum and seconded by Mr. Douglas, with all in favor, the appointment of Mr. Bill Docherty, Jr., to fill Seat 5, was approved.

- **Administration of Oath of Office to Newly Appointed Board Member**

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Docherty. She briefly explained the Code of Ethics and Sunshine Laws to Mr. Docherty. Asked if he would like to receive compensation, Mr. Docherty replied affirmatively.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2021-01,
Designating a Chair, a Vice Chair, a
Secretary, Assistant Secretaries, a
Treasurer and an Assistant Treasurer of the
District, and Providing for an Effective Date**

Mr. Adams presented Resolution 2021-01. Mr. Douglas nominated Mr. Merritt for Chair, Ms. Varnum for Vice Chair and the remaining slate unchanged. The slate was as follows:

Chair	James Merritt
Vice Chair	Sandra Varnum
Secretary	Chuck Adams
Assistant Secretary	Phil Douglas
Assistant Secretary	Rollin Crawford
Assistant Secretary	Bill Docherty
Assistant Secretary	Craig Wrathell
Treasurer	Craig Wrathell

Assistant Treasurer

Jeff Pinder

No other nominations were made.

On MOTION by for Brooks of Bonita Springs by Mr. Douglas and seconded by Mr. Merritt, with all in favor, Resolution 2021-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the District, as nominated, and Providing for an Effective Date, was adopted.

BROOKS OF BONITA SPRINGS II ITEMS

SEVENTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors, Ray Pierce [Seat 1] and Kenneth Gould [Seat 2] (*the following will be provided in a separate package*)

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Pierce and Mr. Gould. She provided and briefly explained the following items:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Chapter 190, Florida Statutes**
- D. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form IX: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**
- IV. Form 8B: Memorandum of Voting Conflict**

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2021-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the District, and Providing for an Effective Date

Mrs. Adams presented Resolution 2021-02. Mr. Bertucci nominated the existing slate of officers, as follows:

Chair

Joe Bartoletti

Vice Chair

Ray Pierce

Secretary	Chuck Adams
Assistant Secretary	Thomas Brown
Assistant Secretary	Thomas Bartoletti
Assistant Secretary	Kenneth Gould
Assistant Secretary	Craig Wrathell
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

On MOTION by for Brooks of Bonita Springs II by Mr. Bertucci and seconded by Mr. Gould, with all in favor, Resolution 2021-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the District, as nominated, and Providing for an Effective Date, was adopted.

JOINT BOARD BUSINESS ITEMS

NINTH ORDER OF BUSINESS

Presentation: Calussa Waterkeepers

Mr. Ed Shinouskis discussed his strong science and environmental conservation background and stated that he was invited to discuss the poor water quality in the area and Calussa Waterkeepers (CW), a very strong, science-based water quality advocacy organization. He stated that The Brooks and its neighboring communities are part of the same ecosystem and everything eventually collects in Estero Bay, causing significant issues. Estero Bay and all of its tributaries are officially designated by the State as an Outstanding Florida Water (OFW), meaning it has the highest level of legal protection and no individual or entity is allowed to discharge harmful contaminants into it. Despite this designation, the Estero Bay and its neighboring waterways have become polluted and have subsequently been labeled “Verified Impaired (VI)”, by the Florida Department of Environmental Protection (FDEP), for indicator bacteria copper and iron. Between 2008 and 2017, the nutrient level in the Bay has increased by 300% on an annual basis, the pH has decreased and the overall temperature increased by 5° Fahrenheit, rendering the water body exceptionally acidic and unsafe. He discussed the reasons for the water quality deterioration, CW’s advocacy work to counter the damage and how the CDD and HOA Board Members can assist in the effort to improve water quality in Estero Bay.

Discussion ensued regarding landscaping, fertilization, littoral plantings and the need to stay informed and engaged about this matter. Mr. Douglas thanked Mr. Shinouskis for his presentation. Mr. Adams would provide Board Members with copies of the slide presentation.

TENTH ORDER OF BUSINESS

Presentation: Resident Use of Pickleball Courts and the Facility's Current and Future Impact and Importance to Shadow Wood, Lighthouse Bay, Spring Run and Copperleaf

Referencing slides, Mr. Alex Meserley stated The Brooks CDD courts are the only pickleball amenity in Shadow Wood, Lighthouse Bay, Spring Run and Copperleaf and are in need of upgrades and potential expansion. He discussed the history of pickleball in The Brooks, growth of pickleball play in the recent years, fastest growing segment of pickleball players in the nation are individuals 55 and over and how pickleball has become well established in Southwest Florida.

Mr. Meserley explained the difference between the Pickleball Club (PC) and the Pickleball Club Committee (PCC) and their roles, a typical day on The Brooks pickleball court, court reservations and drop-ins. As players, the PC governing committee monitors and adjusts the state of play on the court to ensure fairness and safety and promotes the social aspect of pickleball. To enhance the pickleball experience for current and future resident, the PC recommended constructing several additional pickleball courts and a social area.

Resident Ed Piper stated he is a pickleball instructor and voiced his opinion that The Brooks has a robust and active program that has become crowded and reached its capacity; therefore, the CDDs should consider expanding the program to support the reputation of The Brooks' active lifestyle.

Resident Cindy Nelson stated pickleball league play has become very popular with Brooks residents and she felt that it would continue to grow. She described the social aspect of pickleball in the community, The Brooks Cup, a monthly competition and neighborhood drop-in days. In her opinion, The Brooks is in desperate need of additional pickleball courts, which is paramount in servicing residents.

Resident Tom Schuck stated pickleball participation has skyrocketed in recent years and he believed that an expansion would increase property values. He voiced his opinion that The

Brooks is losing home sales to neighboring communities with better pickleball amenities and realtors informed him that The Brooks is not meeting the pickleball demand.

Discussion ensued regarding the need to upgrade and expand the pickleball amenities, the current number of pickleball courts and overcrowding. Mr. Bartoletti stated, to consider the proposed expansion, the Boards would require the PC to provide a survey of the area to determine the maximum number of courts that could be constructed and additional information regarding the social area.

Discussion ensued regarding the protected status for non-resident play, charging non-residents, leasing the club, noise considerations, expansion costs and scheduling a separate meeting regarding pickleball expansion.

The meeting recessed and reconvened.

ELEVENTH ORDER OF BUSINESS

Landscape Report: GulfScapes

Mr. Blake Grimes reported the following:

- Trimming of the trees and palms was completed.
- Pine straw and mulch applications were completed.
- Irrigation run times were reduced by 10% to 15% due to the change in weather.
- Boring damage was caused across from Lighthouse Bay, on Imperial Parkway. Mrs. Adams arranged a meeting with the Lee County Department of Transportation (DOT) Project Manager.
- The mainline irrigation repairs were completed.
- Duranta replacement was scheduled for the next week.

Discussion ensued regarding sod, turf, trees and the need to install root barriers in areas adjacent to the sidewalks.

TWELFTH ORDER OF BUSINESS

Irrigation Report

- A. Meter Usage by Clock**
- B. Rainfall Comparison**
- C. Year-Over-Year Water Usage**

These items were provided for informational purposes.

Mr. Blake Grimes stated that three reports were prepared based on Mr. Bartoletti's previous request to organize charts by the roads; the goal is to conserve water by using it in the correct areas. Mr. Blake Grimes discussed water usage, water conservation, water meters, clock use, factoring percentages, rainfall, flower irrigation, flow sensors, cable issues, pumps and Rainbird.

THIRTEENTH ORDER OF BUSINESS

Consideration of Irrigation Design Group & Associates, Inc., Letter of Contract Cancellation

Mrs. Adams presented the Irrigation Design Group & Associates, Inc., Letter of Contract Cancellation, which was provided for informational purposes. The rain gauge and rainfall reports were discussed. Mrs. Adams would review the contract to determine who paid for the rain gauge.

FOURTEENTH ORDER OF BUSINESS

Consideration of GulfScapes Irrigation Management Services Proposal #2311

Mrs. Adams presented GulfScapes Irrigation Management Services Proposal #2311.

On MOTION for Brooks of Bonita Springs by Mr. Douglas and seconded by Ms. Varnum, with all in favor, GulfScapes Irrigation Management Services Proposal #2311 for Irrigation Management, in a not-to-exceed amount of \$12,600, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all favor, GulfScapes Irrigation Management Services Proposal #2311, for Irrigation Management, in a not-to-exceed amount of \$12,600, was approved.

FIFTEENTH ORDER OF BUSINESS

Discussion/Consideration: Pesky Varmints, LLC, Cane Toad Information and Removal

- A. Options and Pricing Analysis**
- B. Additional Literature**

Referencing the Cane Toad Population Reduction Option and Pricing Analysis, Mr. Bartoletti discussed the three options and recommended proceeding with Option #3, for two or three years, and then transitioning to Option #1, which would involve mainly maintenance. Discussion ensued regarding a recent Shadow Wood Community Association (SWCA) meeting and their decision to not participate in the program, the CDDs' responsibility to maintain the lakes and protect wildlife, cane toads as an invasive species, program implementation, costs, funding source and alerting Shadow Wood of the Boards' decision. Mr. Adams stated the contract would commence with the breeding season. He suggested monitoring the contractor's reports.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the Pesky Varmints LLC Option #3 for Cane Toad Control, in the amount of \$53,650, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with Mr. Bartoletti, Mr. Bertucci and Mr. Brown in favor and Mr. Gould and Mr. Pierce dissenting, the Pesky Varmints LLC Option #3 for Cane Toad Control, in the amount of \$53,650, was approved. (Motion passed 3-2)

SIXTEENTH ORDER OF BUSINESS

**Discussion/Consideration: Term Letter
from FineMark Bank**

Mr. Adams presented the Term Letter from FineMark Bank. The interest rate reductions would be significant, with Brooks I going from 6.85% to 3.75% and Brooks II going from 6.25% to 3.75%. Discussion ensued regarding the requirements, coverage, the terms, cost-savings, anticipated closing date and operating accounts.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, the FineMark Bank Term Letter, was approved.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the FineMark Bank Term Letter, was approved.

SEVENTEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of December 31, 2020**

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2020. He responded to questions regarding capital outlay projects, operating capital and the SunTrust General Fund account. The financials were accepted.

EIGHTEENTH ORDER OF BUSINESS

**Approval of October 28, 2020 Joint Regular
Meeting Minutes**

Mr. Bartoletti presented the October 28, 2020 Joint Regular Meeting Minutes. The following changes were made:

Lines 135 through 140: Delete paragraph that starts with "Mr. Bartoletti"

Mr. Bartoletti stated that the GulfScapes information belongs on future agendas and not in the minutes.

Line 159: Change "Century Lake" to "Century Link"

Line 186: Change "eradication" to "remediation"

On MOTION for Brooks of Bonita Springs by Ms. Varnum and seconded by Mr. Douglas, with all in favor, the October 28, 2020 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Pierce, with all in favor, October 28, 2020 Joint Regular Meeting Minutes, as amended, were approved.

NINETEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

I. Update: Status of Simon Group Payment

Mr. Cox stated that the Simon Group had not filed for bankruptcy and pursuit of payment was ongoing. Asked when the Districts can expect the payment, Mr. Cox stated payment could be expected within the next 60 to 90 days. Discussion ensued regarding the Villas IV Tenants Association, Anchor Marine, lake bank repairs and a waiver.

B. District Engineer: *Johnson Engineering Inc.*

There being no report, the next item followed.

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

I. Landscape Maintenance Activities

II. Lake Maintenance Activities

III. Aeration Summary Replacement Schedule

Ms. Smith presented the January Field Operations Report and responded to questions regarding the pending accident report from a recent motor vehicle accident that caused property damage and sod replacement. Mrs. Adams stated she is awaiting a project status update from Lykins-Signtek (Lykins) regarding the current refurbishments taking place at The Commons Club.

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

NEXT MEETING DATE: April 28, 2021 at 1:00 P.M.

- **QUORUM CHECK – BROOKS OF BONITA SPRINGS**
- **QUORUM CHECK – BROOKS OF BONITA SPRINGS II**

The next meeting will be held on February 24, 2021 at 1:00 p.m., rather than on April 28, 2021.

TWENTIETH ORDER OF BUSINESS

Supervisors' Requests

Mr. Pierce stressed that information must be provided to Board Members as far in advance as possible when an item will impact the budget and require a vote. He used the Cane Toad discussion as an example.

TWENTY-FIRST ORDER OF BUSINESS

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

There being no public comments, the next item followed.

TWENTY-SECOND ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 4:30 p.m.

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

January 27, 2021

FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair