

**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 May 26, 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:

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| James Merritt | Chair |
| Sandra Varnum | Vice Chair |
| Phil Douglas | Assistant Secretary |
| Rollin Crawford | Assistant Secretary |
| Bill Docherty (via telephone) | Assistant Secretary |

Present for Brooks II CDD were:

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

Also present were:

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| Chuck Adams | District Manager |
| Cleo Adams | Assistant District Manager |
| Shane Willis | Operations Manager |
| Dan H. Cox | District Counsel |
| Brent Burford | District Engineer |
| Betsy Lucke | Resident |
| Bill Hollister | Resident |
| Tom Stitchberg | Resident |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:01 p.m. For Brooks of Bonita Springs, Supervisors Merritt, Varnum, Douglas and Crawford were present, in person. Supervisor

Docherty was attending via telephone. For Brooks of Bonita Springs II, all Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Discussion: Pickleball

Mr. Bartoletti stated the PowerPoint presentation represented the best attempt by Mr. Merritt and himself to impart structure to the pickleball conversation and reach a conclusion. Referencing slides Mr. Bartoletti highlighted the following:

- The Commons Club (CC) Board expressed that it was “not interested” in partaking in the pickleball expansion project in the Brooks due to a privacy issue, an access issue and a Human Resources on site issue, which are not issues for the CDDs.
- WHA manages access to a Beach Club in Tampa, through an outside sport-oriented entity and it was suggested that the CDDs consider engaging a local outside sport-oriented contractor to manage the pickleball facility, as it was necessary to create a physical presence to manage the courts, manage access and ensure that the pickleball courts look great.
- The CDDs’ park/land is a valuable asset that should be maintained and kept, as it offers several opportunities. The area would be the potential home of new pickleball courts.
- A proposal to offer an upgraded pickleball facility under a triple-net land lease to the Homeowners Association (HOA) for each of the four Brooks communities; Shadow Wood, Spring Run, Lighthouse Bay and Copper Leaf. The land lease would allow the CDDs private use of the land and provide resident ownership use of the park.
- The land lease would grant the CDDs retention of a very valuable resource that can be utilized in the present day and in the future, as needs change. Ownership of the land enables the CDDs to make it usable for the next amenity needed within the Brooks, where land-locking prevents it from being offered in each community’s area.
- The Board Chairs coordinated with District Staff to reconfigure the park to fit 12 pickleball courts.

➤ Privacy in management is the goal and providing a land-lease to each HOA would enable the community to be the resource that manages the courts, which solves the main problem of managing the courts with no physical presence. If the HOAs accept the burden, the privacy and management issues related to the pickleball project would be solved.

To pay for the construction of the facility, Mr. Bartoletti did not recommend assessing all 3,615 units, however the HOAs within the Brooks and the Brooks Pickleball Club (BPC) members would be charged an annual triple net lease fee, which would consist of a facility access cost, a Chelsea Reservation System cost, annual and periodic pickleball costs and an end-of-life pickleball replacement cost. Mr. Bartoletti reviewed each cost individually and stated it was imperative for the CDDs to have the support of the homeowners, as they would be utilizing the new amenity, and of the PBC members in each of the four communities, as they would be asked to sell the concept to their respective HOAs.

Mr. Bartoletti discussed pickleball membership management by the Masters HOA, including processing BPC usage fees, granting pickleball access to guests by issuing credentials for the maglock entry, purchase of a software module from Chelsea, issuing a Chelsea access number, cancelling Chelsea credentials upon the sale of a home, the PBC establishing the rules of play and setting up a fining committee to penalize players who violate the rules.

Mr. Bartoletti stated that the annual fee per 100 members per community would be \$105. He recommended that the Brooks pickleball players provide feedback on the annual fee decision. He reviewed the timeline for the expansion project; construction of the additional courts would likely commence in the summer of 2023. He discussed the need to circulate a survey and obtaining a majority vote from homeowners and the requirement of the City of Bonita Springs for special fencing at the courts at Pelican Landing.

Mr. Pierce asked if the land lease would absolve the CDDs of the privacy issue and if certain individuals could be excluded from playing pickleball. Mr. Cox stated the CDDs could exclude based on residency, if it were challenged, and graduated rates could be instituted and there is no case in point that says that a residential recreational facility was started by a CDD or any other local government that serves just their community. Asked if the four HOAs were

contacted, Mr. Bartoletti stated no; the PBC members would present the concept to their respective HOAs in 2022.

Mr. Bartoletti responded to questions regarding the land lease, billing, prospective contractor, compensation to the CDDs, terms of the lease, contents of the survey, who would be the lessor, how the transaction would be structured, access and easement documents and the \$1 million estimated cost of the project.

Asked if there would be a way for the CDDs to recover the construction costs, Mr. Merritt stated there are trigger points that could end the project, including the HOAs' approval and agreement to manage the courts, the PBC's acceptance of the fees and its responsibility to obtain approval of the majority of Brooks residents to proceed with the project. Mr. Bartoletti stated a realistic survey must have a reasonable cost estimate. He asked Mr. Burford to give a brief overview of the Engineering conceptual plan for the project.

Mr. Burford stated, so far, Engineering has been able to provide everything that the Boards requested and created a conceptual plan for 12 courts, with room for stormwater retention and 16 to 18 additional parking spaces. Asked if the plan addressed the existing courts and brings them to the standard that the new courts will have, Mr. Burford replied affirmatively and confirmed that the existing courts would be raised and the basketball courts would be eliminated but the restrooms would be retained.

Ms. Varnum suggested that the Boards obtain authorization from the Village of Estero, prior to polling or surveying the residents. Mr. Crawford stated the pickleball amenity should be first-rate and should adequately address the demand for pickleball in the community. He commended Mr. Bartoletti and Mr. Merritt on their presentation.

The Board and Staff discussed the costs versus benefits, roadblocks that may be encountered, construction costs, assessments, timing of the final estimate, scheduling a meeting with officials from the Village of Estero, Chelsea Reservation System (CRS), noise factor and whether to ask the CC to join the CDDs in the expansion project and to provide some administration, in conjunction with the HOAs.

Mr. Bartoletti stated the plan is workable and the only entity that presents a challenge is the Shadow Wood Community Association because it has had no involvement in any sports activities.

Asked for his opinion on the plan, Mr. Mefferle voiced his opinion that the plan is a positive step for the PBC. He took copious notes of today's meeting and would schedule a Zoom call for PBC members to discuss the plan. The primary objective is to have pickleball courts that are safe and social and he felt that Mr. Bartoletti's plan included that.

Resident Bill Hollister commended the Board Chairs on their presentation and stated, although the plan is acceptable, he felt that there are significant obstacles that must be considered. He commented on access to the property, shared agreements with the HOAs, the right of first refusal, the Shadow Wood Community Association, the survey and a 2010 meeting wherein the land was purchased from the CC. He concluded that the land lease proposal is creative, desirable and adequately represents pickleball players.

Resident Tom Stitchberg stated, that he is a new member of the CC and asked why the CC was not included in the pickleball expansion project. Mr. Bartoletti stated the CDDs proposed an owner-type involvement to the CC in February and followed up with another discussion in April and, in both cases, the CC expressed no interest in the project. He stated that Engineering would make sure the maximum number of courts are available and the pickleball Manager from Pelican Landing would be asked to advise the CDDs on the layout of the courts. He discussed the congregation areas on the site plan, fencing, determining if a majority vote is acceptable versus a super-majority vote and what would be an acceptable level for the CDDs to move forward with the plan.

Resident and CC member Betsy Lucke voiced her opinion that the presentation to the CC Board did not provide enough information and no solid estimate was given and no appraisal of the property. Mr. Bartoletti stated that he provided a rough approximation, which should have been sufficient. Mr. Docherty stated that the CC did not want anything to do with the plan so he, personally, wrote off the CC.

Discussion ensued regarding whether to include the CC in the pickleball project and selling the property to the CC for \$2 million. Mr. Crawford concurred with Mr. Merritt that it

was too late to include the CC in the project and expressed his opinion that the steps taken thus far are the correct ones and that the CDDs should proceed with the project.

FOURTH ORDER OF BUSINESS

**Discussion: Proposed Budget for Fiscal Year
2021/2022**

Mr. Adams stated that there is no budget impact for pickleball; the proposed Fiscal Year 2022 budget was adjusted based on the discussions at the previous meeting, as reflected in the proposed Fiscal Year 2022 budget in the agenda packet. The final assessment levels would be set at the June meeting.

FIFTH ORDER OF BUSINESS

Supervisors' Requests

There being no Supervisors requests, the next item followed.

SIXTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

SEVENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 3:22 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

May 26, 2021

FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair