

**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 October 27, 2021 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
Sandra Varnum	Vice Chair
Rollin Crawford	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 (via telephone)	Assistant Secretary
Thomas Bertucci	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Shane Willis	Operations Manager
Dan H. Cox (via telephone)	District Counsel
Brent Burford	District Engineer
Blake Grimes	GulfScapes (GS)
Dave Garner	Director of Harbor Club of Lighthouse Bay (HCLB) and Resident

Residents also present were:

Cindy Nielsen	Alex Messerle	Jack Verneski	Emma _____
Carrie Rustak	Ron Trotter	Bill Hollister	Bill McBain
Stanley Ruskin	Bruce Cropf	Jim Ward	Mary Daniel
Kerry Roskopf	Liz Van Tassel	Chuck Burris	Leslie _____

Of the 25 residents attending the meeting, only those that signed the attendance sheet or made public comments were identified above.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 2:03 p.m. For Brooks of Bonita Springs, all Supervisors were present, in person. For Brooks of Bonita Springs II, Supervisors Bartoletti, Pierce, Gould and Bertucci were present, in person. Supervisor Brown was attending via telephone.

Prior to hearing public comments, Mr. Bartoletti stated that homeowner comments on pickleball would be heard during that agenda item. The landscape report would be presented after the public comments section on matters other than pickleball in order for them to attend to landscape matters.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

Ms. Cindy Nielsen asked if the pickleball agenda item can be heard after the landscape report, as some homeowners can only attend up to a certain time.

▪ **Landscape Report: GulfScapes**

This item, previously the Fourth Order of Business, was presented out of order.

Mr. Grimes reported the following:

- Flower installation was scheduled for tomorrow; they hoped to be finished by Friday.
- Palm trimming at The Brooks will be completed in November; roadside maintenance of traffic will be exercised.
- Mulching at the Enrichment Center was scheduled for installation on November 26th.
- Pine straw installation was scheduled to commence on November 16th. He was told that they did not foresee having the same delivery issues as were encountered last year.
- The Arborist examined the tree on Coconut Road with missing bark that was damaged in an accident. The Arborist advised that the tree would survive; however, it is diseased and will be weak for years, especially without the bark protecting it from worsening. A proposal to replace some shrubs and sod was being procured.

A copy of the Sherriff's Report will be obtained and the insurance carrier notified of the incident and the decision to keep the tree but, if it dies, the CDD would file a claim to replace it.

➤ The rotor sprinkler head project along Three Oaks, that was previously approved, was nearing completion. The two largest areas were Clock 5, which was completed, and Clock 6, which was almost completed. Clock 7 would be next.

▪ **Irrigation Report**

These item, previously the Fifth Order of Business, was presented out of order.

A. Clock 7 Base Water Usage from Zone and Head Analysis

B. Meter Usage by Clock

C. Year- Over-Year Water Usage

D. Irrigation Water Update

These items were included for informational purposes.

Mr. Grimes presented the Reports listed above and highlighted the following:

➤ Clock 7: The flow meter main board shorted out due to condensation. Repairs were made all under warranty. It is tracking flow again.

➤ Meter Usage: The aerial map was discussed, which indicated Clocks 1, 5 and 7 used 49% of the total water usage.

➤ RCS was installing all new meters around the property and they were being adjusted on the map.

➤ Clock #4: June usage was higher than normal and the August and September usage amounts were typical. RCS verified the meter recording but no longer had the old meters to physically prove whether the June usage amount was accurate or not. Mr. Adams stated he would contact Mr. Vince Barraco to discuss the excessive water usage issue on meters, along with the Total Flow Cycle Report that will be provided.

➤ Clock #7: He was told that those months that reported zero usage could have been because of a stuck check valve or demanding more from the meter tied into it. The old meter was replaced and the new meter is operational now.

➤ The Year-Over-Year (YOY) Water Usage: Overall, YOY usage reported was 4% below last year, which is good because the goal is to get to usage below 5% to 10% from last year. He hoped, with the changes being made, to increase savings by 8% by tightening up waste water.

Total water usage was approximately five million gallons for June, up 26% from the previous year; there was 8.5” of rain of which 6” occurred in the last week of June.

Mr. Bartoletti thanked Mr. Grimes and his staff on doing a great job.

Resident Alex Messerle mentioned an article about Florida being “in trouble” and that it has too many palm trees, which are not good at sequestering carbon dioxide. He urged everyone to keep up the good work and noted there are a lot of live oak trees in The Brooks that absorb carbon dioxide.

Several residents of Spring Run, Lighthouse Bay, Copperleaf and Shadow Wood expressed support for expanding the pickleball facilities and voiced their concerns about current and future issues. They felt that the Board’s idea is good, encouraged them to continue to pursue it and recognized that change is slow and requires grassroots efforts.

Resident comments related to pickleball included the following:

- The decision to purchase here was due to pickleball and the knowledge that three additional courts were being constructed. This community introduced the sport to several new and existing homeowners.
- The benefits of pickleball are both physical and social and has increased friendships within various age groups and with people from other communities.
- Leagues, tournaments and social events that were created in The Brooks in which 95% of the local inter-community Summer League are participants from Bonita Bay, Pelican Sound, Pelican Landing, etc. Those communities that they play against are upgrading their pickleball facilities because pickleball is increasing in popularity at a 20% rate, annually.
- There were concerns that, without expansion, home values in the future would not grow accordingly, if up-to-date amenities are not offered.

Mr. Bartoletti discussed the following in relation to the plan for the amenities:

- He believed homeowners must participate in motivating their communities to buy into the cost of the park plan, which is to offer 3.73 acres to all four communities to use for any amenity they need or for which to outpour from their current community that is underutilized and for which they would rather replace it with something more utilized.
- Initiating a land lease would allow homeowners that are paying for the amenity maximum use of it and would minimize the possibility of public use.

➤ The issue is that some communities do not understand or were not enthusiastic about the plan.

Mr. Merritt stated that, as the CDD is a governmental entity, the courts must be open to the public because they were constructed using public funds. Although the homeowners are paying for the amenity, the goal is to find a mechanism to minimize outside use. His concern was about the impact on the courts and facilities if the rental complex at Town Center is approved. He noted this is the only undeveloped land in the entire Brooks community that could add an additional amenity.

Resident comments related to pickleball included the following:

- Home games are needed for league play.
- Urged the Board not to consider the HOAs in this, as it would be better to have one entity in charge rather than four.
- Resident Mary Daniel, of Spring Run, asked how to obtain the minutes of past meetings to review discussions on this matter. She asked who owns the land. Mr. Bartoletti replied both CDDs own the land. Ms. Varnum stated the meeting minutes are posted on the CDD website.
- Active Lifestyle Communities: Some homeowners rented before deciding to purchase because the community offered an active lifestyle and they were also interested in what The Commons Club and The Brooks community, as a whole, has to offer.
- Liked the opportunity to play pickleball socially and competitively with the residents of all four communities.
- Statistics on the number of pickleball players in the United States was provided and it was noted that it is the fastest growing sport.
- Current issues include being able to reserve play times and the amount of time on the court, which will get worse without expansion.
- Regarding whether the CDDs have the funds to build three more courts without raising homeowner assessments, Mr. Bartoletti replied no.

Mr. Bartoletti explained the need to get others on board with the expansion because, right now, only 400 out of the 7,000 homeowners are expressing an interest in the expansion.

Mr. Messerle, of The Brooks Pickleball Club, stated he would draft a message supporting the CDDs' argument that could help "sell" the need for more pickleball courts and provide it to

key people in each of the communities to get the message out. Mr. Bartoletti reiterated that the actual costs to expand are unknown until the project goes out to bid, which would not happen until the majority of homeowners are in agreement with incurring the expense.

- The Spring Run Board is working on many projects, along with golf course renovations, that are increasing assessments. The Commons Club indicated that it does not want to participate in the pickleball discussions.
- The Activities Coordinator at Spring Run did not consider pickleball an amenity, as it is played outside of the Spring Run community.
- Residents asked how residents can get involved. The players in the community want a pickleball complex created that becomes a community amenity because play from outside the community is being limited.
- Some felt that the CDDs' priority should pertain to water management, roadways and landscaping and that pickleball should be outsourced.
- Some asked that the CDDs obtain financing and make the decision to build a World Class Amenity Center and have The Commons Club operate the amenity and create various memberships.

The Boards proposed pursuing the Land Lease with The Commons Club.

THIRD ORDER OF BUSINESS

**Presentation of Annual NPDES Report –
Cycle 4, Year 4 (*Johnson Engineering, Inc.*)**

Mr. Burford presented the Lee County NPDES Year 4 Cycle 4 Annual Report for the reporting year of May 2020 through April 2021 and the corresponding NPDES Stormwater Program letter, which stated that the CDDs will continue to meet future Cycle 5 permit requirements.

Mr. Adams stated that the Florida Department of Environmental Protection (FDEP) wanted the Reports consolidated into one so The Brooks of Bonita Springs CDD submitted the Permit and the Brooks of Bonita Springs II CDD is part of the permit, via the Interlocal Agreement. He noted that only Mr. Merritt's signature was needed and that the CDDs are Co-Applicants with Lee County. Applications for Co-Permittees were no longer being issued.

Mr. Burford suggested adding as an agenda item “Discussion of the Stormwater Planning Section within The Brooks”, giving notice to the public to attend meetings.

Mr. Brown rejoined the meeting after being briefly disconnected.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, the Annual NPDES Report for Municipal Separate Storm Sewer Systems – Cycle 4, Year 4, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Pierce and seconded by Mr. Gould, with all favor, the Annual NPDES Report for Municipal Separate Storm Sewer Systems – Cycle 4, Year 4, was approved.

A Board Member asked Mr. Adams for clarification of the Pelican Landing group’s previous presentation that indicated the CDDs were part of the water quality problem, which differed from the NPDES Report. Mr. Adams stated that Mr. Shinouskis initiated the Water Quality Task Force (WQTF) and was not representing Pelican Landing. His presentation was to convey the need for major stakeholders to be more responsible in how CDDs manage their stormwater system and how they discharge pollutants, fertilizers and pesticides into their systems. A regional movement that involves other communities and is bigger than what the City of Bonita Springs is doing, would be needed to make any sort of impact to the tidal areas, such as Estero Bay. The purpose of the NPDES Report is to target old antiquated systems, such as the City of Fort Myers’s system. The CDDs’ systems were built with new technology to address runoff.

FOURTH ORDER OF BUSINESS

Landscape Report: GulfScapes

This item was presented following the Second Order of Business.

FIFTH ORDER OF BUSINESS

Irrigation Report

- A. Clock 7 Base Water Usage from Zone and Head Analysis**
- B. Meter Usage by Clock**

C. Year- Over-Year Water Usage

D. Irrigation Water Update

These items were presented following the Second Order of Business.

SIXTH ORDER OF BUSINESS

Discussion: Irrigation Water Usage Billing Update (*Supervisor Bartoletti*)

Mr. Bartoletti presented the Joint Irrigation Water Usage Billing spreadsheet, which would be an ongoing agenda item.

SEVENTH ORDER OF BUSINESS

Discussion: Reconciliation of TCC 2020 and 2021 FY Cost Sharing – Actual vs Budget

Mr. Bartoletti presented and explained the purpose of the Report and noted that the formula used was reflected in the Cost Sharing Agreement. Mr. Adams would update the Report from the data provided and present it at the next meeting.

EIGHTH ORDER OF BUSINESS

Discussion/Update: HOA Land Lease (*Supervisors Bartoletti and Merritt*)

Mr. Bartoletti stated that the toughest conversations were with Spring Run and Shadow Wood Country Club and the HOA, which was complicated because of the bifurcation. They requested more details about ownership, the lease term agreement and how it is going to be managed, which should be discussed in a separate meeting.

NINTH ORDER OF BUSINESS

Update: Pickleball

- **Discussion: Letter of Intent**

Mr. Cox presented the Memorandum of Intent Lease of Amenity Parcel at The Brooks. Mr. Cox stated that the parties are still conflicted and asked if this letter is what the Boards had in mind as far as limiting it to the public. Mr. Bartoletti stated that, by giving the two-year renewal, it should give them comfort as to obligation. The suggestion was made to continue discussions and address concerns while the CDDs proceed with the next step of managing the existing three courts and collecting data.

Mr. Cox stated that he and Mr. Hart were reviewing the CDDs' Covenant documents to determine if there is a way to structure a separate entity.

A Board Member had several concerns, such as how to address insurance and property taxes. Mr. Cox suggested the possibility of creating a private non-profit organization.

Discussion ensued regarding getting the parties to agree, using the next two years to finalize the vision, how to pay for it and the suggestion to tour surrounding communities with similar amenities to determine what constitutes a first-class amenity.

Ms. Varnum left the meeting at 4:26 p.m.

The Boards agreed to designate Mr. Bartoletti and Mr. Merritt as the CDDs' Representatives to speak with The Commons Club and each of the HOA Board Presidents about a potential lease agreement and schedule a workshop.

Mr. Pierce asked if the four tenants entering into the Two-Year Land Lease have the ability to exclude the public from the property. Mr. Cox stated the Lease would have to be structured in such a way to be open to the communities but be able to limit public access, via a membership requirement. Discussion ensued regarding defining a guest, avoiding Sunshine Law violations, The Commons Club or the four HOAs managing the facility and assessing either all homeowners or the actual players. It was thought that an outside management firm should manage the facility.

It was noted that the cost to construct six new pickleball courts would be \$700,000 to \$800,000, equating to about \$50 per door; however, until the specifications are completed, real numbers are not available. This estimate excluded the costs for locks and landscaping.

Mr. Docherty suggested the CDDs fund three courts. It was explained that the plans show removing the three existing courts and constructing six new courts; however, Johnson Engineering's plans need to be revised because the courts were facing the wrong direction.

Discussion ensued regarding task force, requests for a dog park and financing options.

TENTH ORDER OF BUSINESS

Discussion: Budget Reconciliation if Appropriations are Exceeded – to Roll Up Fund Balance

Mr. Adams stated this item was not necessary as the CDDs Fiscal Year 2021 expenses did not exceed budget.

ELEVENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of September 30, 2021**

Mr. Adams presented the Unaudited Financial Statements as of September 30, 2021. He discussed recent changes in billing The Commons Club annual payment to the CDDs and noted that the Fiscal Year 2021 bill was issued in November 2021 and now one would be billed quarterly on January 15, April 15, July 15 and then on November 1, in the new Fiscal Year.

Mr. Adams stated that Mr. Cox had to leave so there was no update about collecting funds from the Simon Group and a budget amendment is not necessary.

Mrs. Adams discussed updates to the Financial Highlights Report in which the Expenditure data was revised; the Aeration project was invoiced and completed in September.

The financials were accepted.

TWELFTH ORDER OF BUSINESS

**Approval of August 25, 2021 Joint Public
Hearings and Regular Meeting Minutes**

Mr. Adams presented the August 25, 2021 Joint Public Hearings and Regular Meeting Minutes.

The following changes were made:

Line 52: Change "Amenity Staff" to "Pickleball Club"

Line 273: Delete "occurred"

Line 279 and throughout: Change "Project 24" to "Project 2024"

Line 288: Change "for 2024" to "similar to Project 2024"

Line 260: Insert "South" before "Village"

Referring to the conversation captured on Lines 256 through 262, Mr. Adams stated there was no update. He would pull the Developer Order to confirm the extent of the CDDs' responsibilities for a portion of the Railroad Tracks to US 41.

Discussion ensued regarding the hospital's confirmation that they already paid South Village for maintenance on its property.

Line 295: Change “3,550” to “3,552”

Line 307: Change “Country” to “Commons” and “are” to “would be”

Line 346: Change “leverage is required” to “the CDD could leverage the HOAs”

Line 422: Delete “were”

Line 430: Insert “are” after “erosion”

Line 435: Change “1:00” to “2:00”

Regarding the reference to Staff reconciliation of The Commons Club, on Line 453, Mr. Bartoletti stated that he would like a separate P&M set up.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

• Update: Status of Simon Group Complaint

As he had to leave early. Mr. Cox would email an update to the Boards. It was noted that Mr. Cox was authorized at the last meeting to file a judgement.

B. District Engineer: *Johnson Engineering Inc.*

• Consideration of Hourly Rate Increase

Mr. Burford presented the Johnson Engineering hourly rate increase request, effective July 13, 2021. Generally, it is a 12% increase. The last increase was in 2006.

On MOTION for Brooks of Bonita Springs II by Mr. Pierce and seconded by Mr. Bertucci, with all favor, the Johnson Engineering, Inc., rate increase request, was approved.

On MOTION for Brooks of Bonita Springs by Mr. Stoehr and seconded by Mr. Docherty, with all in favor, the Johnson Engineering, Inc., rate increase request, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Pierce and seconded by Mr. Bertucci, with all favor, the August 25, 2021 Joint Public Hearings and Regular Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Docherty, with all in favor, the August 25, 2021 Joint Public Hearings and Regular Meeting Minutes, as amended, were approved.

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

▪ **Shadow Wood Potential Land Acquisition**

This item was an addition to the agenda.

Mr. Adams presented Mr. Richard Cherry's email and letter from the Shadow Wood Country Club (SWCC) asking the Brooks II CDD to sell them a parcel of preserve land, identified as Wetland 3 (W-3), which is 3.5 acres along Three Oaks Parkway, south and east of the Williams Road and Three Oaks Parkway intersection. The SWCC wants to relocate the golf course maintenance facility, as they were running out of room. He informed Mr. Cherry of the due diligence required, along with obtaining various approvals before they can proceed with this request. He further advised Mr. Cherry that Shadow Wood would have to incur all costs, as it would require a tremendous amount of mitigation. The Board agreed with Mr. Bartoletti's suggestion to consider the request, subject to the Shadow Wood Community Association (SWCA) having no objections to the request.

Discussion ensued regarding identifying the location of the undevelopable environmental property and whether the SWCC plans to include adding pickleball courts. Mr. Adams stated that Mr. Cherry would prepare a binding agreement to be presented at a future meeting. The Brooks II CDD must still complete the due diligence process and, if the sale is approved, it would require the Brooks II CDD to transfer the title; the transaction amount would be minimal.

• **Monthly Status Report – Field Operations**

This item was included for informational purposes.

A Board Member asked for clarification of the "Pickleball Court Re-fresh" item in the Report. Mrs. Adams stated that The Commons Club submitted a letter identifying several items that require maintenance. This item would be removed from the Reports, as Mrs. Adams confirmed that none of the items address safety concerns.

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

• **NEXT MEETING DATE: January 26, 2022 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 January 26, 2022 at 1:00 p.m.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' Requests.

FIFTEENTH ORDER OF BUSINESS

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

There were no public comments.

SIXTEENTH 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. Docherty, with all in favor, the meeting adjourned at 5:38 p.m.

On MOTION for Brooks of Bonita Springs II by Mr. Gould and seconded by Mr. Bertucci, with all favor, the meeting adjourned at 5:38 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

October 27, 2021

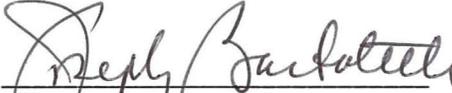
FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair