

**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 January 26, 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
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
Jim Ward	President of The Commons Club
David Dore-Smith	General Manager/Copperleaf Golf Club

Residents present were:

Randy Kemnitz	Sue Kemnitz	Cindy Nielsen	Beth Smith
Sandra Wilson	Joe Wagley	Rod Woolsey	Bart Ruggiero
Susan Bolger	Bill Hollister	Ed Pieper	Sena Drawer
Alex Messerle	Terry Eboch	Joe Archesky	Ken Kadel
Andrew Bregman			

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, all Supervisors were present, in person. For Brooks of Bonita Springs II, Supervisors Pierce, Gould, Bartoletti and Bertucci were present, in person. Supervisor Brown was not present at roll call.

▪ **Discussion: Copperleaf Lake Change for Project 2024 (*Ken Kadel & David Dore-Smith*)**

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

Mr. Dore-Smith presented the Proposed Site Plan, which identified the 0.147 acres of CDD property to be altered to potentially add more parking spaces. He was waiting for approval from RCS on the concept of filling in a portion of an RCS lake to create more room for a poolside cafe. Project 2024 is underway and focus group meetings on the concept are scheduled for next week, with Town Hall meetings in March and voting in April. There is a ½ acre of excess lake storage available and the lake could be expanded and the fill used to offset costs and lake reduction.

Regarding environmental permits, Mr. Dore-Smith stated that CGC engaged GradyMinor to perform the necessary studies, obtain environmental permits and ensure all areas are engineered as specified.

The Boards advised Mr. Dore-Smith to continue pursuing this and keep all parties updated. He was asked to also note that flooding is a critical aspect of the decision.

▪ **Update: Pickleball Play Information**

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

Resident Randy Kemnitz, representing the Pickleball Club, gave a Power Point presentation about pickleball in the community. Questions submitted by Mr. Bartoletti and Mr. Merritt were addressed. He reviewed statistics about the reservation system, memberships, events, open play, league play and court usage. He noted some lighting issues.

Mr. Kemnitz stated CourtReserve is working on the reservation system to have random lotteries. He discussed having guest play slots and the process that allows renters to access CourtReserve. In his opinion, the community is years behind others and needs more courts.

Mr. Kemnitz responded to questions about the statistics, defined the types of players using the courts and length of play and stated the system has restrictions to prevent Club Members from playing every day. Non-residents are told the reservation system is for the

exclusive use of verified residents. Mr. Bartoletti thanked Mr. Kemnitz for his efforts in continuing to build the database and asked him to attend the next meeting.

Mr. Kemnitz stated that the reservation system cannot measure the number of unfilled demands but signups for registration continues to grow; about three or four signups are received daily and the number typically increases during the season.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

Resident Terry Eboch stated a group of 16 players played at 7:00 a.m., this Sunday, due to the difficulty scheduling times later in the day. He thanked the CDDs for working on this and working in conjunction with The Commons Club, which he hoped would continue.

Resident Andrew Bregman, on behalf of the mid to upper-70 age group, asked the CDDs to act promptly, before those residents become disenfranchised and too old to play.

Mr. Bartoletti encouraged everyone to relay this information in their neighborhood to prevent further delays, as support from all taxpayers is needed to proceed with the expansion.

THIRD ORDER OF BUSINESS

Landscape Report: GulfScapes

Mr. Grimes reported the following:

- The flower rotation was scheduled for the first week in March.
- Hardwood trimming was expected to be completed in a week to 10 days.
- The technician is repairing a broken mainline at Three Oaks; the contractor will incur the repair costs.
- The pine straw distributor cannot secure a delivery date due to supply chain issues.

Mrs. Adams stated that delivery is expected within two to four weeks; reasons for the delays were recorded in the Field Operations Report.

- The rotor moving project was completed.
- The root barrier installation proposal is pending; a locations spreadsheet was prepared.

A Board Member asked about removing roots growing through the asphalt in about 14 areas. Mrs. Adams stated that Mr. Willis marked the areas and was waiting for a proposal from

Collier Paving. Mrs. Adams, Mr. Willis and Mr. Grimes will revisit the sequence of the project, such as removing the root before installing the barrier.

FOURTH 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**

Mr. Grimes presented the Reports and highlighted the following:

- Clock 1 still has the highest usage and was known to have issues more in November than October. The IQ cartridge was under warranty and was replaced.
- Rain delays were manually initiated on cold nights to keep the systems off.
- High usage was due to warmer days and less rain.
- Total water usage for October 2019/2020 was 5.742 million gallons and 4.6 million gallons for October 2021. The figures were still under from two years ago and just over from last year. The Report will be revised to include the third-year stats and other revisions.
- Clock 6 has not recorded usage in four months. Mr. Grimes is working with RCS to replace meters that are still running zero usage. He was not concerned, as they run alongside another meter that is recording the usage.

Mr. Bartoletti presented a spreadsheet of actual costs; he expected costs will be within the actual budget by year-end. He reviewed the cost-share irrigation figures between the CDDs and The Commons Club.

Mr. Bartoletti stated he is working on providing a report properly allocating shared costs to bill South Village and Coconut Point Mall. He voiced his opinion that the community looks good and commended Mr. Grimes on a great job.

Mr. Grimes stated he is working on a landscape plan for the red light area at Coconut Point to provide to Mrs. Adams.

FIFTH ORDER OF BUSINESS

Update: Cane Toad Control Year-to-Date Summary

- **Consideration of Pesky Varmints, LLC Estimate #1791 for Cane Toad Control**

Mr. Adams reviewed the Year End Highlights and presented the proposal for Fiscal Year 2022, which was the same amount as last year. A Board Member stated that the Shadow Wood community wants to continue the program, as they recognized the considerable benefit.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Crawford, with all in favor, Pesky Varmints, LLC, Estimate #1791, for Cane Toad Control, in the amount of \$53,650, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Brown and seconded by Mr. Pierce, with all favor, Pesky Varmints, LLC, Estimate #1791, for Cane Toad Control, in the amount of \$53,650, was approved.

In response to questions, Mr. Adams stated the entire lake bank perimeter includes the golf course side, they do not go into the preserve area, the Mediterra CDD is not removing the adult toads and is only doing tad pole collection on the golf course side and Shadow Wood is not participating in the cane toad control program on the golf course.

SIXTH ORDER OF BUSINESS

**Consideration of Johnson Engineering, Inc.,
Professional Services Agreement for
Stormwater Management Needs**

Mr. Adams presented the Professional Services Agreement to prepare and submit the 20-Year Stormwater Management Needs Analysis Report by June 30, 2022. The draft Report will be presented at the April Meeting.

On MOTION for Brooks of Bonita Springs by Mr. Crawford and seconded by Mr. Stoehr, with all in favor, the Johnson Engineering, Inc., Professional Services Agreement to prepare the 20-Year Stormwater Management Needs Analysis Report, in the amount of \$12,650, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bertucci and seconded by Mr. Gould, with all favor, the Johnson Engineering, Inc., Professional Services Agreement to prepare the 20-Year Stormwater Management Needs Analysis Report, in the amount of \$12,650, was approved.

SEVENTH ORDER OF BUSINESS

Discussion: Copperleaf Lake Change for Project 2024 (Ken Kadel & David Dore-Smith)

This item was presented following the First Order of Business.

EIGHTH ORDER OF BUSINESS

Discussion: South Village Shared Cost Document Review (Supervisor Bartoletti)

Mr. Bartoletti stated that the Landscape Maintenance Agreements and Exhibits for the Shadow Wood Community were in the agenda package. The Coconut Point Agreement was distributed. It was noted that they were four years in arrears. Mr. Cox stated that Coconut Point was in the process of being served. Mr. Bartoletti discussed the Exhibits and Cost Sharing Calculations and noted plans to evaluate the way costs are allocated and billed.

Mr. Cox stated that Coconut Point will be served before the first of the week and will be required to answer by the middle of February. He hoped the litigation would be completed by the April meeting.

NINTH ORDER OF BUSINESS

Update: Pickleball Play Information

This item was presented following the First Order of Business.

TENTH ORDER OF BUSINESS

Update: Pickleball Agreement Discussions with TCC

Mr. Bartoletti presented the PowerPoint prepared for the meeting. He discussed the background information and what has transpired. Costs to demolish the three existing courts, if necessary, and construct six new courts would be split 50/50 between the two entities.

Mr. Bartoletti highlighted the following:

- The Commons Club's recent request for an improved land lease for the entire CDD park parcel, would result in no HOA or SWCC Pickleball Clubs or tennis court amenities on the land, and they want first right of refusal for any proposed amenity use.
- The original Johnson Engineering site plan provided the latest in design and allowed for further expansion of the pickleball courts.

- All four HOA's were contacted and would approve the new Coconut Park land lease, under certain terms pertaining to usage.
- The Commons Club was working on determining a pickleball usage fee to submit within 30 days, as they would need to collect fees in order to maintain, repair, operate and replace the courts. It was noted that The Commons Club will be required to obtain approval from the CDDs, if they want to remove existing amenities, paths, etc.
- A sketch identifying the location for the initial six courts with the potential for a maximum of 11 courts was included.
- Mr. Cox sent a draft of an improved Land Lease for the entire CDD Park Parcel to The Commons Club and shared it with Mr. Crawford and Mr. Gould.

Discussion ensued regarding avoiding mitigating public use, engaging someone to manage the courts, recouping public capital funding by obtaining 10-year financing and executing a 10-year lease agreement with The Commons Club, subject to renewal.

Mr. Cox stated there is no court ruling to support the CDDs' stance on public access but there are analogies that support proceeding with this method. He preferred the CDDs not use any public funds at all but, if they do, it must be recoverable. A Board Member from The Commons Club felt that further discussions to determine the best interests of all entities is necessary and stated that The Commons Club did not make a commitment that they will not impose an initiation fee; players will need to pay additional fees to use the courts.

Mr. Bartoletti stated, if The Commons Club is not agreeable to this structure, the only solution would be for The Commons Club to manage the amenity and for the CDDs to create and establish the Fee Structure for pickleball play and public play and then charge Pickleball Players for The Commons Club's management costs.

Mr. Crawford voiced his opinion that, although pickleball is a valuable amenity to the community and to the players, he did not feel it is right to charge the entire community for the 500 or so residents that play pickleball. Mr. Pierce agreed with Mr. Crawford.

Resident Rod Woolsey felt that the initiation fee for The Brooks homeowners is a significant difference that needs further discussion. Mr. Bartoletti agreed. Discussion ensued between attendees regarding recovering costs, operational costs and The Brooks' membership fees versus The Commons Club's membership fees.

On MOTION for Brooks of Bonita Springs by Ms. Varnum and seconded by Mr. Merritt, with all in favor, authorizing Mr. Merritt and Mr. Bartoletti to continue negotiations with The Commons Club, under Mr. Cox’s legal guidance, to reach an agreement on the Pickleball Club matter, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Brown and seconded by Mr. Pierce, with all favor, authorizing Mr. Merritt and Mr. Bartoletti to continue negotiations with The Commons Club, under Mr. Cox’s legal guidance, to reach an agreement on the Pickleball Club matter, was approved.

ELEVENTH ORDER OF BUSINESS

Discussion: Town Center Shared Costs Calculation and Year End Reconciliation

Mr. Bartoletti asked for confirmation that what he told resident Joe Archazki is represented in the Reconciliation Report, which was that the CDD pays 100% for sewer/water and The Commons Club would never be charged for this. He concluded this from the 2010 Shared-Cost Agreement with The Commons Club and the 2019 Year End Reconciliation Report showing costs broken down by percentage. Mr. Adams stated he must research this to determine if they need to reverse charges for restroom expenses.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2021

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2021. The Financial Highlights Report was distributed in the meeting. Mrs. Adams stated that a miscode of about \$5,500 for Coconut Grove Park “Lighting repairs” was actually for holiday lighting and would be recoded to “Contract services”. A question was raised about the deficit amount in the Series 2017 Debt Service Fund. Mr. Adams stated he would research and confirm what he believed was a budget deficient due to timing of when revenues versus expenses are processed. The financials were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of Minutes

Mr. Adams presented the following:

- A. October 27, 2021 Joint Regular Meeting**

The following changes were made:

Line 107: Change “Messerly” to “Messerle”

Line 139: Insert “rental” after “the”

Line 180: Change “buying into” to “pursuing” and insert “with The Commons Club” after “Lease”

Line 270: Delete: “Mr. Crawford and Mr. Gould”

The following comments were in response to requests for updates:

- Line 74: The Sherriff’s Office has not responded to Mr. Willis’ request for a copy of the incident report. He was asked to obtain it from the Florida Department of Transportation (FDOT).
- Lines 95 through 97: Mr. Vince Barraco was considering the excessive water usage issue on meters, along with the Total Flow Cycle Report.
- Line 367: Mr. Adams was asked to email the Boards a copy of Mr. Richard Cherry’s email from the Shadow Wood Country Club (SWCC) about CDD II selling the Wetland 3 parcel to them.

Discussion ensued regarding requiring the SWCC to incur all costs associated with due diligence and that this is not the right time to convey the request to homeowners in all four communities because the costs might prohibit finalizing the sale.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Stoehr, with all favor, the October 27, 2021 Joint Regular Meeting, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bertucci and seconded by Mr. Pierce, with all favor, the October 27, 2021 Joint Regular Meeting, as amended, were approved.

B. November 30, 2021 Joint Special Meeting

The following change was made:

Line 182: Delete “the collection mechanism for on-roll”

On MOTION for Brooks of Bonita Springs II by Mr. Bertucci and seconded by Mr. Pierce, with all favor, the November 30, 2021 Joint Special Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Stoehr, with all favor, the November 30, 2021 Joint Special Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

There was no report.

B. District Engineer: *Johnson Engineering, Inc.*

There was no report.

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

• **Monthly Status Report – Field Operations**

Mr. Crawford left the meeting and rejoined via telephone at 4:00 p.m.

Mrs. Adams distributed the Field Operations Report, which differed from the one in the agenda package, as slight changes were made to the sidewalk repair costs.

Mrs. Adams highlighted the following:

➤ Littoral Removals: Mr. Willis was preparing a draft letter to all 16 Lighthouse Bay homeowners, along with literature advising them not to touch the littorals or they could incur replacement costs if it happens again. They were unable to identify who sprayed the littorals. Solitude submitted a \$450 proposal to replace them.

➤ The Village of Estero will request an easement, as they are funding all landscape improvements in conjunction with their sidewalk installation project on the north side of Coconut Road, from Oakwilde Drive to US 41. The project will be completed in two phases.

Mr. Bartoletti recalled earlier discussions with the Village of Estero and stated that Mr. Ward will continue discussions about the CDD request for reasonable reimbursement of maintenance and water usage costs.

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

• **NEXT MEETING DATE: April 27, 2022 at 1:00 P.M.**

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

FIFTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Bartoletti presented requests on behalf of Mr. Dore-Smith and other Board Members, which resulted in the following:

- Mrs. Adams to invite Mr. Dore-Smith and the new Golf Course Superintendent when reviewing the littorals at Copperleaf to discuss the best location to plant.
- Mrs. Adams to send SOLitude a work order to clear the opening where they stock fish.
Mrs. Adams stated that the lake bank audit is underway and projects will be done in phases.
- Mrs. Adams to update Ms. Varnum of the status of the lake bank at the address Mr. Willis added to the audit.
- Mr. Willis was asked to monitor Collier Paving's work on the sidewalk repair project.
- Pickleball: Mr. Cox to prepare and email bullet point discussion items to Mr. Bartoletti and Mr. Merritt before a Zoom meeting is scheduled with the appropriate parties.
- Lighting Repairs: Repairs might be delayed due to supply chain issues.

SIXTEENTH ORDER OF BUSINESS

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

There were no public comments.

SEVENTEENTH 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. Stoehr, with all in favor, the meeting adjourned at 4:05 p.m.

On MOTION for Brooks of Bonita Springs II by Mr. Pierce and seconded by Mr. Brown, with all favor, the meeting adjourned at 4:05 p.m.

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

January 26, 2022

FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair