

**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 25, 2023 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:

James Merritt	Chair
Sandra Varnum	Vice Chair
William Stoehr	Assistant Secretary

Present for Brooks II CDD:

Joseph Bartoletti	Chair
Ken D. Gould	Vice Chair
Thomas Bertucci	Assistant Secretary
Mary O'Connor	Assistant Secretary
Lynn Bunting g	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Dan H. Cox (via telephone)	District Counsel
Brent Burford	District Engineer
Blake Grimes	GulfScapes Landscape Management
Mark Grimes	GulfScapes Landscape Management
Ken Gallagher (via telephone)	RWA
Theresa Weinberg	The Commons Club

Residents present were:

Randy Kemnitz	Bob Bustard	Joseph Albanito
Pam & Gary Gadtz	David Garner	Michael Lepchitz

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 and Stoehr were present.
Two seats were vacant.

For Brooks of Bonita Springs II, all Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

Resident Randy Kemnitz gave statistics regarding the surge in popularity of pickleball nationwide and in The Brooks. The Brooks Pickleball Club has 1,049 members and only three courts. In his opinion, the community deserves first-class pickleball amenities. He responded to questions about outside play, the Pickleball Club, noise complaints and outdoor lighting.

Resident Gary Gadtz discussed pickleball challenges, such as having to register to play and wait lists.

- **Administration of Oath of Office to Newly Elected Supervisors, Mary O'Connor [Seat 3], Thomas Bertucci [Seat 4] and Joseph Bartoletti [Seat 5] (*the following to be provided in a separate package*)**

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

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Bertucci and Mr. Bartoletti. Both were already familiar with the following:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**

- D. Form 8B – Memorandum of Voting Conflict**

- **Update: Pickleball Complex Project**

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

Mr. Gallagher provided the following update:

- The project is on schedule.
- With input from Mr. Merritt and Mr. Bartoletti, the plan was fine-tuned, finalized and formally submitted to the Village of Estero on November 9, 2022.
- The comments received on December 15, 2022 were technical. The Village of Estero raised questions about the outdoor lighting, photometric plan, parking, ADA compliance, etc.
- The facility plans were presented to the Village of Estero Planning Zoning Design Board on January 10, 2023. The presentation addressed parking, noise and other comments.
- With feedback from the Zoning Board, RWA modified the plans and re-submitted them to the Village of Estero on January 20, 2023. A response is anticipated within 30 days.
- Mr. Gallanger and Mr. Bartoletti conducted sound studies and strongly believe that the new pickleball facility will not be in violation of the Village of Estero's noise ordinances; however, if complaints are made that are documented and verified by the Village of Estero, RWA will devise a noise and/or outdoor lighting mitigation plan to address those concerns.

Mr. Bartoletti stated the team also received feedback relative to the trees on the original site plan that, based on the sun path, might put some shade in some play areas. RWA adjusted the plans accordingly, by removing the trees, and resubmitted the plans to the Village of Estero.

Mr. Merritt stated he, Mr. Bartoletti and several members of the Pickleball Club attended the Zoning Board meeting. He thinks the Village of Estero will approve the project.

Mr. Gallanger stated it is a great project and RWA is anticipating approval by the Village of Estero by the end of April or early May.

Discussion ensued regarding the supplemental submittal to the Village of Estero, the sound study results at Hidden Lakes, the Village of Estero's noise ordinance, potential parking issues and ongoing communications with the Commons Club, project costs and creating a fee structure.

Staff will email copies of the supplemental submittal to all Board Members.

Resident Bob Bustard stated his Spring Run Condo is 1,000' from the project site. In his opinion, noise from pickleball courts will be slight compared to the noise from vehicle traffic on the main road.

Mr. Gallanger left the call.

BROOKS OF BONITA SPRINGS ITEMS

THIRD ORDER OF BUSINESS

**Consideration of Resolution 2023-01,
Declaring a Vacancy in Seats 4 and 5 of the
Board of Supervisors Pursuant to Section
190.006(3)(b), Florida Statutes; and
Providing an Effective Date**

Mr. Adams presented Resolution 2023-01.

**On MOTION by Mr. Merritt and seconded by Mr. Stoehr, with all in favor,
Resolution 2023-01, Declaring a Vacancy in Seats 4 and 5 of the Board of
Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes; and Providing
an Effective Date, was adopted.**

FOURTH ORDER OF BUSINESS

**Consider Appointment of Qualified Elector
Candidates to Fill Seat 4 and Seat 5
Vacancies (*Terms Expire November 2026*)**

- A. David L. Garner**
- B. Michael Lepchitz**

Mr. Merritt stated he and Mr. Bartoletti were not aware of the vacancies until recently and asked that Staff and Board Members alert the Chairs in advance or as soon as they are aware that vacancies will occur. Two resumes were received but he feels that it is unfair that the community was not properly notified so several residents who wished to be considered for Board seats did not know about the openings. Mrs. Adams stated she sent Mr. Merritt a notice regarding the vacancies and the lien roll on November 1, 2022, as well as a communication to the HOA for an e-blast. Mr. Merritt did not recall receiving the notice.

Ms. Varnum and Mr. Stoehr felt that interested candidates should be given another chance to submit resumes and an e-blast should go out about the vacancies. Mr. Adams stated that it is possible to redo the process and suggested deferring this to the next meeting and directing Staff to send another communication to the HOA to disseminate. Mr. Merritt requested a written document detailing the vacancy declaration process.

Mr. Merritt apologized to Mr. Garner and Mr. Lepchitz.

Resident Joseph Alfanito asked the Board to share the evaluation criteria with the community once the candidate pool is established. Mr. Merritt asked Mr. Alfanito to read his questions into the record:

- What is a CDD?
- What is the CDD's primary source of revenue?
- What are the principal activities of the CDD?
- Does the CDD go out of existence after a time period?
- Has the Brooks CDD benefitted the Brooks? If so, how?
- What is the Sunshine Law and how does it impact the CDD's Supervisors?

Discussion ensued regarding the questions, the selection criteria and a nomination committee.

This item was deferred to the March meeting.

FIFTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisors (*the following to be provided in a separate package*)

This item was deferred.

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

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2023-02, Designating Certain Officers of the District, and Providing for an Effective Date

This item was deferred.

BROOKS OF BONITA SPRINGS II ITEMS

SEVENTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors, Mary O'Connor [Seat 3], Thomas Bertucci [Seat 4] and Joseph Bartoletti [Seat 5] *(the following to be provided in a separate package)*

This item was addressed following the Second Order of Business.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2023-02, Designating Certain Officers of the District, and Providing for an Effective Date

Mr. Adams presented Resolution 2023-02. Mr. Bartoletti nominated the following slate of officers:

Joseph Bartoletti	Chair
Thomas Bertucci	Vice Chair
Chuck Adams	Secretary
Mary O'Connor	Assistant Secretary
Ken D. Gould	Assistant Secretary
Lynn Bunting	Assistant Secretary
Craig Wrathell	Assistant Secretary
Craig Wrathell	Treasurer
Jeff Pinder	Assistant Treasurer

No other nominations were made.

On MOTION by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, Resolution 2023-02, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

JOINT BUSINESS ITEMS

NINTH ORDER OF BUSINESS

Landscape Report: *GulfScapes Landscape Management Services*

- **Irrigation Reports**

A. Meter Usage by Clock

B. Year-Over-Year Water Usage

The irrigation reports were included for informational purposes.

The following was reported:

- The cool temperatures have slowed growth.
- Hardwood trimming is underway.
- Staff is working on dry spots, irrigation-wise.
- Old or existing flowers will be pulled the week of February 20th and new flowers are scheduled to be installed on March 1, 2023.

Discussion ensued about hardwood trimming, Federal Emergency Management Agency (FEMA) reimbursement, the HOA, loss assessment coverage and homeowners' insurance.

TENTH ORDER OF BUSINESS

**Update: Delinquent Payments from
Coconut Point Mall**

Mr. Cox stated Staff was able to collect 23% of the delinquent payments and he expects to receive another 24% by the end of January or early February and the balance by the March meeting.

Mr. Cox responded to questions about the original amount owed, total outstanding amount, \$8,000 amount collected, interest billing and whether there is a payment schedule.

ELEVENTH ORDER OF BUSINESS

**Discussion/Review of Proposed Capital
Improvement Plan and Costs**

Mr. Adams presented a spreadsheet titled "2023 CIP Budget and Per Unit Costs Estimator" outlining the projects in the Brooks and a few proposals and bid results. A 10% contingency is applied to each project. He reviewed the current estimated costs, annual financing costs, annual costs per unit and cost per unit over a loan term of five years.

Discussion ensued regarding the pickleball court operation and maintenance, shared costs, Village of Estero approval of the pickleball project, a phased approach, reducing the CIP amount for sidewalk replacement, the emergency gate and placing root barriers on the sidewalks.

Mr. Burford will provide a proposal for the sidewalk project.

Mr. Adams will include the sidewalk project on the next agenda.

TWELFTH ORDER OF BUSINESS

**Consideration of Award of Contract for
Lake Bank Restoration**

Mr. Willis presented the Memorandum outlining the results of the Lake Bank Restoration pre-bid meeting, including a financial tabulation and bid analysis.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, awarding the Lake Bank Restoration contract to Anchor Marine Services, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, awarding the Lake Bank Restoration contract to Anchor Marine Services, was approved.

THIRTEENTH ORDER OF BUSINESS

**Consideration of Award of Contract for
Landscape Renovations**

Mrs. Adams presented the Memorandum outlining the results of the pre-bid meeting for the Landscape Enhancement Renovations contract, including a financial tabulation and bid analysis.

Mr. Merritt noted GulfScapes positive performance for the past four years.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, awarding the Landscape Enhancement Renovations contract to GulfScapes of Southwest Florida, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Ms. O'Connor, with all in favor, awarding the Landscape Enhancement Renovations contract to GulfScapes of Southwest Florida, was approved.

In response to a Board Member’s question, a GulfScapes representative explained the scope of work of the Landscape Enhancement Renovations project.

Discussion ensued regarding plant material, water conservation, shade areas, new sod and a meeting with the Village of Estero.

FOURTEENTH ORDER OF BUSINESS

Consideration of GulfScapes Landscape Management Services Proposal #3457 for Enrichment Center Club Entrance

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, GulfScapes Landscape Management Services Proposal #3457 for the Enrichment Center Club Entrance, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Gould, with all in favor, GulfScapes Landscape Management Services Proposal #3457 for the Enrichment Center Club Entrance, was approved.

Discussion ensued regarding the exact location of the beautification project and a cost-share agreement with the Commons Club.

FIFTEENTH ORDER OF BUSINESS

Update: Pickleball Complex Project

This item was addressed following the Second Order of Business.

SIXTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2022

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2022. He responded to questions regarding the “Commons Club – share maint cost” line item at 0%, “Engineering” line item at 96%, “Capital outlay – lighting” line item at 130%, a reserve account for hurricane damage and a year-end true-up.

Mr. Adams will separate the RWA/pickleball project from the District Engineer’s expenditures and prepare and present a year-end true-up at the next meeting.

The financials were accepted.

SEVENTEENTH ORDER OF BUSINESS

Approval of October 26, 2022 Joint Regular Meeting Minutes

Mr. Merritt presented the October 26, 2022 Joint Regular Meeting Minutes.

Mr. Bartoletti referred to Line 432 and stated that Mr. Adams confirmed that another nomination was made, in addition to Ms. Bunting.

The following change was made:

Line 432: Insert "Mr. Bartoletti nominated Mr. Woessner" before "No other nominations were made."

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the October 26, 2022 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Gould, with all favor, the October 26, 2022 Joint Regular Meeting Minutes, as amended, were approved.

EIGHTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Dan Cox, Esquire*

There was no report.

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

Mr. Burford stated he was informed that the South Florida Water Management District (SFWMD) approved a permit for an easement.

Mr. Burford will visit Copperleaf with Mr. Bartoletti.

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

• Monthly Status Report – Field Operations

The Field Operations Report was included for informational purposes.

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

• NEXT MEETING DATE: March 22, 2023 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 March 25, 2023. It was noted that the meeting must adjourn by 3:00 p.m.

NINETEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Gould stated that a trip hazard on a walking path was reported and asked Staff to investigate the area. Mr. Willis will install signage and cones and close off the walkway.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, closing the walking path for trip hazard repairs, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Ms. O'Connor, with all favor, closing the walking path for trip hazard repairs, was approved.

TWENTIETH ORDER OF BUSINESS

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

There were no public comments

TWENTY-FIRST ORDER OF BUSINESS

Adjournment

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the meeting adjourned at 3:13 p.m.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Gould, with all in favor, the meeting adjourned at 3:13 p.m.

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

January 25, 2023

FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair