

**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 March 22, 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 (via telephone) | Assistant Secretary |

Also present:

| | |
|----------------------------|---------------------------------|
| Chuck Adams | District Manager |
| Cleo Adams | District Manager |
| Shane Willis | Operations Manager |
| Dan H. Cox (via telephone) | District Counsel |
| Joseph De Bono | District Engineer |
| Blake Grimes | GulfScapes Landscape Management |
| Theresa Weinberg | The Commons Club |
| Joseph Archazki | General Manager Commons Club |
| David Dore-Smith | Copperleaf General Manager |
| David Garner | Supervisor-Appointee |
| John Woolsey | Supervisor-Appointee |

Residents present were:

| | | |
|-------------------|------------|--------------|
| Michael Lipenesch | Tom Eaton | Bob Lanish |
| Bill Hollister | Ray Conway | Dean Cohagen |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:03 p.m. For Brooks of Bonita Springs, Supervisors Merritt, Varnum and Stoehr were present. Two seats were vacant. For Brooks of Bonita Springs II, Supervisors Bartoletti, Gould, Bertucci and O'Connor were present. Supervisor Bunting attended via telephone.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

Referencing an area map, resident Bob Lanish stated he and resident Tom Heaton, want to discuss the flow way creek, Knowview and Shadow Wood, which are designated public fishing areas that the CDD previously agreed to keep clear. The areas are currently filled with turtles and dead littorals, which are a detriment to fishing. He asked the Boards to have most of the areas cleared or dredged to allow for better fishing.

Mr. Eaton stated when he moved into the neighborhood in 2002, Bonita Bay Inc. designated specific fishing areas, as an amenity for Shadow Wood, and there was no spikerush in those areas. Once conveyed to the CDDs, spikerush was planted and reduced the fishing areas. He asked the Boards to clear some littorals to allow better fishing access.

Discussion ensued regarding spikerush, water quality, scheduling the clearing and the lake maintenance contractor.

Mr. Bartoletti stated it only costs about \$100,000 per year to repair lake banks in The Brooks compared to \$1 million that neighboring communities expend because they do not have littorals. Mrs. Adams will coordinate with SOLitude to clear the fishing areas.

Resident Ray Conway, a member of The Brooks Fishing Club, asked if there are designated fishing areas in Copperleaf and other neighborhoods. Mr. Bartoletti replied affirmatively and stated the map is on the CDD website.

Resident and Commons Club President Theresa Weinberg referenced a previously distributed pickleball handout and stated The Commons Club is a long-time supporter of pickleball and its Board is not trying to slow the expansion project. However, since the CDDs are proceeding with the project, she and Mr. Archazki forwarded their concerns to the Chair regarding the proximity of the pickleball courts to the Enrichment Center, noise levels, parking, preserving the basketball court and changing the order of the phases.

Resident Dean Cohagen voiced his opinion that CDD-owned property on Coconut Road is in poor condition and unsightly, including the landscaping, walkway, directional signage on the roadway and shrubbery. Mr. Bartoletti stated the Boards understand and recently approved a \$640,000 contract to renovate landscaping on both Coconut Road and Three Oaks Parkway.

BROOKS OF BONITA SPRINGS ITEMS

THIRD 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**
- C. John R. Woolsey**

Mr. Merritt stated he and Mr. Bartoletti reviewed the resumes and interviewed all three candidates. All three are well-qualified, from a professional and community-participation standpoint. He thanked all the candidates for their interest.

Mr. Merritt nominated Mr. Woolsey to fill Seat 4, based on his strengths in civil engineering and communications.

On MOTION by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the appointment of Mr. John Woolsey to fill Seat 4, was approved.

Mr. Merritt nominated Mr. David Garner to fill Seat 5.

On MOTION by Mr. Merritt and seconded by Mr. Stoehr, with all in favor, the appointment of Mr. David Garner to fill Seat 5, was approved.

FOURTH ORDER OF BUSINESS

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

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. David Garner and Mr. John Woolsey. He provided and explained 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**

FIFTH 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. Stochr nominated the following slate:

| | |
|----------------|---------------------|
| James Merritt | Chair |
| Sandra Varnum | Vice Chair |
| William Stoehr | Assistant Secretary |
| John Woolsey | Assistant Secretary |
| David Garner | Assistant Secretary |
| Craig Wrathell | Assistant Secretary |

No other nominations were made. Prior appointments by the Board for Secretary, Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION by Mr. Stoehr and seconded by Ms. Varnum, 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

SIXTH ORDER OF BUSINESS

Update: Lake Project [David Dore-Smith]

Mr. Dore-Smith recalled the Boards previously approved filling in Lake #5, at the entrance of Copperleaf, with dirt but plans changed due to high soil costs. Instead of filling in that portion of the lake with soil, a 6' wooden retaining wall will be constructed, which will reduce the amount of fill required to push into the water. Littorals will be planted in front of

the wall, which was already approved by the South Florida Water Management District (SFWMD) and the Village of Estero. Mr. Dore-Smith responded to questions about the wall and asked for a hyper-link to be sent to the Copperleaf website to advertise the fishing hole.

SEVENTH ORDER OF BUSINESS

Landscape Report: *GulfScapes Landscape Management Services*

Mr. Grimes reported the following:

- The flowers were planted.

Mr. Bartoletti asked for a special fertilizer to be used during the next planting.

- The root barrier sites were installed. Staff is resolving irrigation issues associated with the project.

Mr. Grimes responded to questions regarding the root barrier project.

- All sidewalks are being repaired. The walkway enhancement is complete.
- There are several hot spots due to irrigation repairs; a contractor is installing cable.
- There are issues with Clock 7, from the bridge to Williams.

Discussion ensued regarding clock issues, Verizon and T-Mobile.

- Cutbacks are scheduled after Easter.
- The landscaping project will commence on June 1, 2023.

EIGHTH ORDER OF BUSINESS

Discussion: Condition of Children's Playground

Referencing photographs of the children's playground, Mr. Bartoletti noted that the mats are worn and need to be replaced.

Discussion ensued regarding the deteriorating conditions, repair costs, remodeling the restrooms, roof replacement and resurfacing the splashpad.

Mr. Adams will obtain financing proposals from FineMark and Synovus and present them at the next meeting.

NINTH ORDER OF BUSINESS

Consideration of Easy Ice Quote #Q-40003 for Ice Machine

- **Customer Utility and Environmental Responsibilities**

Mr. Willis presented the Easy Ice quote to rent an ice machine, which is more economical than buying it. There is a one-time fee of \$588 and an ongoing monthly fee of \$294.

Discussion ensued regarding maintenance, advantages of renting versus purchasing, current ice machine, installation standards, equipment warranty and janitorial service contract.

The Boards approved the ice machine rental proposal.

- **Update/Consideration of Proposals for Sidewalk Project**

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

Mr. De Bono stated some portions of the pathway are in disrepair. He presented a \$172,885 proposal for sidewalk services, including items for Americans with Disabilities Act (ADA) compliance requirements. He responded to questions about the scope of work, sub-consultant responsibilities, bidding out the sub-base, asphalt overlay, lime rock replacement, borings, permitting and the lifespan of the concrete.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the Johnson Engineering Sidewalk Services proposal, in the amount of \$172,885, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Ms. O'Connor, with all in favor, the Johnson Engineering Sidewalk Services proposal, in the amount of \$172,885, was approved.

TENTH ORDER OF BUSINESS

Discussion: Restroom Roof Replacement

Mr. Bartoletti referenced a \$19,746 Greenling Roofing Inc. proposal for roof replacement and recommended obtaining additional bids.

Discussion ensued regarding metal roofs, other roofers and The Commons Club.

Staff will obtain additional roofing proposals and present them at the next meeting.

ELEVENTH ORDER OF BUSINESS

Update: Pickleball Expansion Permitting Process

Mr. Bartoletti reviewed slides of the pickleball expansion site plan and stated anything beyond Phase 1 is demand-based. The expansion was approved by the Pickleball Club and the Boards are committed to mitigating sound concerns. He asked for permission to proceed with permitting Courts 1 through 4, as designated on the site plan, and stated that a sound study will be conducted before requesting approval for Phases 2 and 3, with all 16 courts being modeled.

Discussion ensued regarding landscaping, residential noise levels, noise abatement, The Commons Club's concerns raised at the Village of Estero Public Information meeting, a six-month delay in the project, location issues, acoustic fencing, preserving the esthetic appeal of The Commons Club and parking access.

Mr. Bartoletti suggested a slight adjournment so meeting attendees can go outside and view the site.

The meeting recessed briefly and reconvened.

Mr. Bartoletti reiterated that the Boards are willing to provide whatever sound mitigation is necessary to meet the sound objections of The Commons Club. He responded to questions about changing the site plans, different phases of the project, plan resubmittal to the Village of Estero and changing the sequence of construction.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Garner, with Mr. Merritt, Mr. Garner and Mr. Stoehr in favor and Ms. Varnum and Mr. Woolsey dissenting, proceeding with the pickleball expansion plan, as presented, was approved. (Motion passed 3-2)

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with Mr. Bartoletti, Mr. Bertucci and Ms. O'Connor in favor and Ms. Bunting and Mr. Gould dissenting, proceeding with the pickleball expansion plan, as presented, was approved. (Motion passed 3-2)

TWELFTH ORDER OF BUSINESS

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

Mr. Cox stated he received no feedback on whether any checks were received or if checks were mailed. Asked about the amount collected, Mr. Cox stated that, in the past six months, he was able to collect 25% of the \$45,000, which amounts to \$15,000, not including

interest. Asked about the next course of action, Mr. Cox stated he will file a lawsuit against Simon Properties in the coming week.

THIRTEENTH ORDER OF BUSINESS

Update/Consideration of Proposals for Sidewalk Project

This item was addressed following the Ninth Order of Business.

FOURTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2022

This item was not addressed.

FIFTEENTH ORDER OF BUSINESS

Approval of January 25, 2023 Joint Regular Meeting Minutes

Mr. Bartoletti presented the January 25, 2023 Joint Regular Meeting Minutes.

The following changes were made:

Line 22 and throughout: Change "Buntin" to "Bunting"

Line 33 and throughout: Change "Gallagher" to "Gallenber"

Line 38 and throughout: Change ""Mostart" to "Bustard"

Line 186: Change "Thomas Bertucci" to "Ken D. Gould"

Line 189: Change "Ken D. Gould" to "Thomas Bertucci"

Lines 345 and 349: Change "March 25" to "March 22"

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Stoehr, with all in favor, the January 25, 2023 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Gould and seconded by Mr. Bertucci, with all favor, the January 25, 2023 Joint Regular Meeting Minutes, as amended, were approved.

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

• Monthly Status Report – Field Operations

The Field Operations Report was included for informational purposes.

Mr. Willis stated pavers will be installed around the pickleball court drop-off area. Staff publicized a Request for Proposals (RFP) to lift the pavers, remove roots and install root barriers only around areas with trees. Asked about project expectations and responses, Mr. Willis stated GulfScapes will install the root barriers and Collier Paving will install the pavers.

Mr. Willis responded to questions about berm work, the sunshade and ice machine.

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

• NEXT MEETING DATE: April 26, 2023 at 1:00 p.m.

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

SEVENTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

EIGHTEENTH ORDER OF BUSINESS

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

There were no public comments

NINETEENTH ORDER OF BUSINESS

Adjournment

On MOTION for Brooks of Bonita Springs by Ms. Varnum and seconded by Mr. Merritt, with all in favor, the meeting adjourned at 4:27 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 4:27p.m.

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

March 22, 2023

FOR BROOKS OF BONITA SPRINGS:

COP SALI
Secretary/Assistant Secretary

[Signature]
Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:

COP SALI
Secretary/Assistant Secretary

[Signature]
Chair/Vice Chair