

**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 April 26, 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
David Garner	Assistant Secretary
John Woolsey	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	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Dan H. Cox (via telephone)	District Counsel
Joseph DeBono	District Engineer
Blake Grimes	GulfScapes Landscape Management
Tony Grau (via telephone)	Grau & Associates
Dale Van Scoyk	Pickleball Sound Mitigation, LLC

Residents present were:

Terry Ebaugh	Gary Gotsch	Sena Drawer
Joseph Alfanito	Lynn McGrath	Other Residents

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:01 p.m. All Supervisors were present for both the Brooks of Bonita Springs and the Brooks of Bonita Springs II CDDs.

SECOND ORDER OF BUSINESS

Public Comments (*agenda items only*)

Resident Terry Ebaugh described the US Pickleball Championship in Naples and difficulty securing reservations due to demand. He expressed support for additional pickleball courts, as soon as possible, due to the popularity of the sport.

Resident Gary Gotsch described an encounter with prospective buyers interested in pickleball who lost interest when they learned how few courts there are in the community.

Resident Sena Drawer discussed the growth of the pickleball amenity and the role of the CDDs in building and managing amenities and protecting property values. She asked the Boards to approve a first-class pickleball amenity.

Resident Joseph Alfanito noted the great support for additional pickleball courts expressed at meetings over the last 18 months, with very little opposition. He voiced frustration that the project has been delayed. He supports the project .

Resident Ed Piper thanked the Boards for their support of the pickleball community. He discussed pickleball's growing popularity. He supports expanding the pickleball amenity.

BROOKS OF BONITA SPRINGS ITEMS

THIRD ORDER OF BUSINESS

**Presentation of Brooks of Bonita Springs
Community Development District's
Audited Financial Report for Fiscal Year
Ended September 30, 2022, Prepared by
Grau & Associates**

Mr. Grau presented the Draft Audited Annual Financial Report for the Fiscal Year Ended September 30, 2022 and accompanying disclosures. Referring to a comment highlighted in yellow at the top of Page 27, he recalled that, in the past, the CDD was asked to open a reserve account with the bank. Aside from that comment, there were no findings, irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit.

Mr. Adams stated that the matter of the reserve account was resolved.

A Board Member noted the statement "The District does not anticipate any major projects or significant changes to its infrastructure maintenance program for the subsequent fiscal year." on Page 6. Mr. Adams stated that information must be updated since improvements to CDD assets are planned.

Discussion resumed regarding how to address the request for the CDD to open a reserve account with the bank. Mr. Adams stated the account was established and funded. Mr. Grau stated, given that the reserve account was created, the finding will be deleted.

Ms. Bunting asked about the statement “has not met one or more of the financial emergency conditions...” on Page 27. Mr. Adams stated while the note reads like a negative, it is a positive thing as it indicates that the CDD was not found to have a financial emergency.

Ms. O’Connor asked about the reserve account requirement. Mr. Adams discussed the reserves required when bonds are issued and noted that, in this case, the bank only required a \$10,000 reserve account in conjunction with the CDD’s short term, five-year bank loan.

A Board Member noted a typographical error. The second line in the third to last paragraph on Page 12. The following change was made:

Page 12, 4th Paragraph, 2nd Line: Change “such repayments” to “such payments”

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2023-03,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended
September 30, 2022**

**On MOTION by Ms. Varnum and seconded by Mr. Garner, with all in favor,
Resolution 2023-03, Hereby Accepting the Audited Financial Report for the
Fiscal Year Ended September 30, 2022, as amended, was adopted.**

BROOKS OF BONITA SPRINGS II ITEMS

FIFTH ORDER OF BUSINESS

**Presentation of Brooks of Bonita Springs II
Community Development District’s
Audited Financial Report for Fiscal Year
Ended September 30, 2022, Prepared by
Grau & Associates**

Mr. Grau presented the Draft Audited Annual Financial Report for the Fiscal Year Ended September 30, 2022 and accompanying disclosures. A similar finding related to the reserve was highlighted in yellow at the top of Page 29; as previously noted for the Brooks of Bonita Springs CDD (BOBS), given that the reserve account was created, the finding will be deleted. Aside from that comment, there were no findings, irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit.

Mr. Gould noted that the same edits as discussed for BOBS will be made, as needed, throughout the Brooks of Bonita Springs II CDD (BOBSII) Audited Financial Report.

Ms. Bunting questioned the statement in Note 9, on Page 21, indicating that insurance coverage may not extend to all situations. Mr. Grau stated the disclosure acknowledges that the CDDs do not insure for every possible loss, as the cost would be exorbitant.

Mr. Bartoletti asked for the payoff date for BOBSII. Mr. Grau stated it will be May 2034.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2023-03,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended
September 30, 2022**

**On MOTION by Mr. Bartoletti and seconded by Ms. O'Connor, with all in favor,
Resolution 2023-03, Hereby Accepting the Audited Financial Report for the
Fiscal Year Ended September 30, 2022, as amended, was adopted.**

▪ **Presentation of Pickleball Video with Visual Renderings**

This item was an addition to the agenda.

Mr. Merritt presented a video of landscape renderings and noted the following:

- The presentation constitutes the visual appearance the Boards are trying to create, in terms of landscaping and maintaining the integrity and ambiance of The Commons Club and the amenities offered.
- The Site Plan proposes inclusion of 27 new trees, Clusia in significant size to provide necessary visual and sound barriers to the courts and other landscaping to create a first-class facility that The Brooks can be proud of.
- The Commons Club challenged the CDDs to address the important and justifiable sound and visual concerns. The Board consulted with the District Engineer, Site Planner and Landscaper to create a pleasant visual appearance of the complex.
- Sound Engineer Dale Van Scoyk was engaged to address the sound issues.

Mr. Van Scoyk, of Pickleball Sound Mitigation, LLC (PSM), discussed solutions designed to meet local ordinances, codes and regulations, and general levels of acceptable human sound levels. He discussed the scope, methods and findings of the 31-page Report his firm produced regarding the location and the 360-degree surrounding area. Measurements of existing sound

were taken at six locations, with baseline sound levels taken during quiet times and during active play, including at the nearest residence and the Hidden Lakes condominium building. He explained the beneficial effect of the fountain. He read the following from the Report:

“After thorough research and analysis, we believe the location and design of the proposed Brooks Pickleball Park will meet noise ordinances and not adversely effect residential owners or commercial functions of reasonable people with normal sensitivities, both at The Commons area and at surrounding properties, provided the proposed and recommended sound mitigation measures are used.”

Mr. Van Scoyk discussed local communities that engaged PSM and commended the Boards on their proactive approach by contacting PSM at the beginning of the project.

Mr. Van Scoyk responded to questions and explained the Report data, measurements taken, methods of measurement versus the City of Estero ordinances and the rationales and arguments to be made to the City. For example, the sound levels do not increase as the number of courts increases; while the number of “pops” might increase, the overall noise does not increase. Road noise already exceeds the noise level that would be produced by the pickleball courts in some areas.

Discussion ensued regarding the Report, noise dampening features, data modeling, the benefits of landscaping and the goal of remaining below 50 decibel noise level.

Mr. Merritt stated the Boards tried to do everything asked. The Village of Estero asked the CDDs to conduct a Sound Study to ensure that a noise issue would not be discovered in Phase 2 or 3 or after the amenity is built. He expressed support for conducting the Sound Study due to the growing demand for pickleball.

Discussion ensued regarding the Report, need for a Sound Study, decibel levels, ordinance requirements, Mr. Van Scoyk’s recommendations, sound reflecting materials and devices and acoustic barriers that might be necessary if the Village of Estero requires the Pickleball Court to meet residential noise ordinance levels.

Mr. Merritt stated the intent is to share the Sound Study with the Village of Estero before the Public Hearing so the Village of Estero understands the findings and issues can be addressed.

On MOTION for Brooks of Bonita Springs by Mr. Stoehr and seconded by Mr. Woolsey, with all in favor, authorizing the Chair to present the Sound Study to the Village of Estero, was approved.

On MOTION for Brooks of Bonita Springs II by Ms. O'Connor and seconded by Mr. Bertucci, with all in favor, authorizing the Chair to present the Sound Study to the Village of Estero, was approved.

▪ **Staff Reports: District Engineer: Johnson Engineering, Inc.**

This item, previously Item 15B, was presented out of order.

Mr. DeBono reported the following:

- Regarding the pathway repairs the Board approved at the last meeting, vehicles have been in the right-of-way (ROW) surveying the pathway. Field work is nearly complete and design work is underway; a draft of the design will be provided soon.
- Lake bank restoration permitting was submitted to the Village of Estero and is under review; it is hoped that a permit will be issued soon.

Asked what the \$172,000 pathway repair study will provide, Mr. DeBono stated survey work is being done simultaneously as the design for the full replacement of the existing pathway which measures seven miles long and 6' to 8' wide and must be brought into compliance with the Americans with Disabilities Act (ADA) requirements. The full pathway design will include all design specifications and will be ready for publishing to contractors for bidding. The firm's services are retained throughout the bidding process, to answer questions or redesign if needed for completion of the construction.

Discussion ensued regarding potential drainage improvements, tree roots impeding the pathway, evaluation of the sub-base and possible enhancements to avoid future deterioration.

Mr. Adams stated the sidewalk replacement budget does not include the \$172,885 for engineering services.

JOINT BUSINESS ITEMS

SEVENTH ORDER OF BUSINESS

Landscape Report: *GulfScapes Landscape Management Services*

- **Irrigation Reports**

A. Meter Usage by Clock

B. Year-Over-Year Water Usage

Mr. Grimes reported the following:

- Cutbacks started along Three Oaks. Moisture levels are holding well.
- During the drought, it was discovered that the RCS pumps went down. The problem was addressed quickly and no problems occurred since.
- Some flowers at the entry died due to overwatering; replacements were ordered and will be planted next week.

A Board Member asked where the landscaping trucks will park when the pickleball courts are built. Mr. Grimes asked for a small indent in the concrete to allow truck turnaround.

- Monthly water usage is consistent per each clock. Total water usage is up to 23 million gallons for the year.

EIGHTH ORDER OF BUSINESS

Update: CIP Budget and Cost per Unit Estimator

Mr. Adams presented the Capital Improvement Plan (CIP) Budget and Cost per Unit Estimator. Most costs shown are based on actual proposals received, with the exception of the pickleball courts; the \$900,000 estimate shown does not include the full project.

Mr. Merritt noted that, if the pickleball project proceeds, there will be some revenue return. Pickleball players should realize that they will pay for the cost of replacement, repair and operation. The CDDs will fund up-front construction costs only, based on demand. A demonstration that pickleball players can provide the revenue will be needed to continue the amenity. Asked if the amounts are included in the Fiscal Year 2024 budget, Mr. Adams replied affirmatively. Mr. Merritt expressed concern about a possible 57% increase to assessments due to the expenditure for the pickleball facility.

Mr. Bartoletti stated there is no room for the southern monument. He noted that a significant amount of the projects shown are essential and due to safety issues.

Discussion ensued regarding removing the monuments from the CIP Budget, items that may be paid out of the 2023 Operation & Maintenance (O&M) Budget and the possibility of obtaining a loan versus issuing bonds.

Mr. Merritt noted that the Fiscal Year 2024 budget will be finalized in August; some significant decisions will be made at the next meeting regarding the total CIP amount.

Working capital and establishing a maximum budget amount were discussed and the agreed-upon amount might be decreased while still meeting Public Hearing requirements.

Mr. Adams did not think there is favor for increasing assessment levels. It is necessary to increase Fund Balance because hurricane expenses were paid and given that the Federal Emergency Management Agency (FEMA) might reduce reimbursements.

Discussion ensued regarding budget processes, requesting additional proposals and sealed bids and costs and liability related to the "Sidewalk Replacement" project.

Mr. Cox recommended all trip hazards be marked with orange paint. Mr. Adams stated the District Engineer will be asked to mark them and prioritize the repairs.

Reluctance to approve a large assessment increase and the need to communicate the urgency of the "Sidewalk Replacement" project, were discussed.

A Board Member asked if the projected annual cost per unit increase of approximately \$259 will cease after five years. Mr. Adams replied affirmatively. This discussion and budget shows that the Boards recognize the CIP work that needs to be done.

Mr. Willis stated he requested a proposal for a shade for the Children's Playground and a flooring proposal will be presented during the Ninth Order of Business. He was told that the previous shade was installed partially incorrectly.

Mr. Willis discussed the costs of piecemeal sidewalk repairs, totaling \$38,000, and noted that performing the entire project could eliminate six or seven years of ongoing repairs.

Mr. Adams discussed the pros and cons of a reserve account, noting the CDDs can assess current residents for current needs. Mr. Willis noted that the current approximate cost of \$50 per linear foot was \$37 per linear foot just two years ago, which shows how fast price increases are currently happening.

Discussion ensued about the sidewalk project, drainage and roots barrier treatments.

Mr. Bartoletti stated a meeting will be scheduled during the third week of May. Mr. Adams suggested Mr. Grimes be included in the meeting.

Mr. Cox voiced his opinion that \$6 million in improvements, after twenty years, is justifiable given that the overall value of the CDDs' improvements is hundreds of millions of dollars.

NINTH ORDER OF BUSINESS

**Continued
Playground**

Discussion:

Children's

A. Consideration of FineMark National Bank & Trust Term Sheet

B. Consideration of Sport Court South Florida Estimate #0003308

This item was discussed in conjunction with the Eighth Order of Business.

TENTH ORDER OF BUSINESS

**Discussion: Legal Opinion Regarding Noise
Requirements for Pickleball Courts**

Mr. Bartoletti asked Mr. Gould to correct his document to show that he did not make the sound measurements in January; the sound measurements presented to the Village of Estero were performed by RWA. Mr. Gould stated that he will make the change.

ELEVENTH ORDER OF BUSINESS

**Consideration of Proposals for Restroom
Roof Replacement**

Mr. Adams stated, in conjunction with The Commons Club proposals for playground improvements, the restroom roof needs repairs. Mr. Willis stated he will request proposals.

Asked about pavers, Mr. Willis stated the major issue is that the current paver style and color is no longer available. He requested two proposals; one for lifting, installing a root barrier and resetting the existing pavers, and one for the complete replacement of pavers. He currently has no timeline for when those proposals will be provided, as most companies are scheduling six to nine months out.

TWELFTH ORDER OF BUSINESS

**Resolutions Approving the Districts'
Proposed Budgets for Fiscal Year
2023/2024 and Setting a Public Hearing
Thereon Pursuant to Florida Law;
Addressing Transmittal, Posting and
Publication Requirements; Addressing
Severability; and Providing an Effective
Date**

A. Resolution 2023-04, Brooks of Bonita Springs Community Development District

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, Resolution 2023-04, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 23, 2023 at 1:00 p.m., at The Commons Club at The Brooks Enrichment Center, 9930 Coconut Road, Bonita Springs, Florida 34135; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

B. Resolution 2023-04, Brooks of Bonita Springs II Community Development District

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, Resolution 2023-04, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 23, 2023 at 1:00 p.m., at The Commons Club at The Brooks Enrichment Center, 9930 Coconut Road, Bonita Springs, Florida 34135; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

THIRTEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of March 31, 2023**

Mr. Bartoletti stated Bentley Electric did an excellent job getting the lights working but there are new failures. Mr. Willis stated Bentley Electric is aware of it and addressing the issue.

A Board Member stated she received complaints about bank erosion at Lakes 30, 110 and 112 and about overgrown lakes. Residents want to know when the lakes will be addressed.

Mr. Willis stated the project began in Lighthouse Bay; the entire project consists of approximately 25 lakes. The entire project will take approximately ten months; four lakes are nearly completed. The project will be completed in four phases; the first phase consists of Lighthouse Bay, Copperleaf and Spring Run and the last four to five months will be in Shadow Wood.

Discussion ensued regarding hurricane damage.

Mr. Cox noted that, in another CDD, FEMA did not offer remuneration for storm damage because the waterways are not available to the public for recreational use.

FOURTEENTH ORDER OF BUSINESS

**Approval of March 22, 2023 Joint Regular
Meeting Minutes**

The following changes were made:

Line 39 and throughout: Change “Lanish” to “Lienesch”

Line 39 and throughout: Change “Eaton” to “Heaton”

Line 99: Change “Ms. Stoehr” to “Mr. Stoehr”

Line 121: Change “Merritt” to “Stoehr”

Line 52: Change “Doleview and” to “Knollview in”

Line 262: Change “Gallanger” to “Gallender”

Line 211: Insert “permitting” after “with”

Line 195” Insert “in” after “all”

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the March 22, 2023 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, the March 22, 2023 Joint Regular Meeting Minutes, as amended, were approved.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Dan Cox, Esquire

• Update: Delinquent Payments from Coconut Point Mall

Mr. Cox recalled the decision at last meeting to accelerate this. A new contact believed another payment was sent. He is checking with District Management for confirmation.

Discussion ensued regarding the previous approval to file suit.

Mr. Cox stated his goal is to resolve the issue as cost-effectively as possible. The complaint was prepared and delivered but not yet filed. Coconut Point Mall proposed making monthly payments in May, June, July and August.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Stoehr, with all in favor, authorizing District Counsel to file for judgment immediately, if payment is not received by May 15, 2023, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Ms. Bunting, with all in favor, authorizing District Counsel to file for judgment immediately, if payment is not received by May 15, 2023, was approved.

Mr. Cox opined that intermittent noise violations at the pickleball courts will not be enforceable.

B. District Engineer: Johnson Engineering, Inc.

This item was presented following the Sixth Order of Business.

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

• **Monthly Status Report – Field Operations**

The Field Operations Report was included for informational purposes.

Discussion ensued regarding SOLitude’s recent staff turnovers.

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

I. Registered Voters in Districts as of April 15, 2022

- **Brooks of Bonita Springs: 2,240**
- **Brooks of Bonita Springs II: 1,516**

II. NEXT MEETING DATE: July 26, 2023 at 1:00 p.m.

Regarding holding a meeting on May 24, 2023, Mr. Adams stated the current meeting location will not be available due to renovations. Mr. Bartoletti suggested contacting the Village of Estero for information about the church hall.

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

The next meeting will be held on May 24, 2023; location to be determined.

SIXTEENTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Bartoletti asked for a volunteer from each CDD to help establish criteria for evaluating and selecting a pickleball court management company. Supervisors O’Connor and Garner volunteered.

Mr. Bartoletti distributed a letter requesting pickleball comments. Management would receive submissions at a designated email address and disseminate the responses to the Boards.

A member of the public expressed support for an email to inform residents. She asked if the pickleball courts will generate revenue. Mr. Bartoletti stated the CDDs will pay the initial construction costs. Pickleball players will pay an annual usage fee and funds from the fees will defray maintenance, repairs and replacement of the courts. Daily usage fees might be charged in the future.

Resident Lynn McGrath feels that residents will want to know the specific costs.

Mr. Merritt stated demand will help determine future growth.

A resident suggested that a website still showing pickleball as an amenity at The Commons Club be revised. She complained that, as a casual pickleball player, she has less access to pickleball time slots.

Court management, reservation systems, fees and assessments, were discussed.

On MOTION for Brooks of Bonita Springs by Ms. Varnum and seconded by Mr. Garner, with all in favor, sending an informational letter to residents explaining the possible Pickleball Court expansion project, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bertucci and seconded by Mr. Bartoletti, with all in favor, sending an informational letter to residents explaining the possible Pickleball Court expansion project, was approved.

SEVENTEENTH ORDER OF BUSINESS

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

A resident asked where she can find CDD information. Mr. Adams stated at www.brookscdds.net.

EIGHTEENTH 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 4:04 p.m.

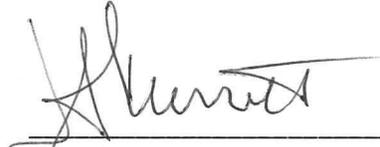
On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, the meeting adjourned at 4:04 p.m.

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

April 26, 2023

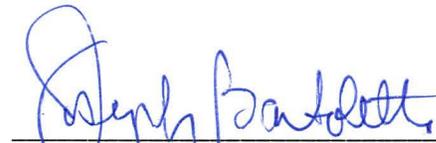
FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair