

**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 22, 2025 at 1:00 p.m., at the Estero Community Church, 21115 Design Parc Ln., Estero, Florida 33928.

Present for Brooks CDD:

James Merritt	Chair
Sandra Varnum	Vice Chair
David Garner	Assistant Secretary
John (Rod) Woolsey	Assistant Secretary
Edward Franklin	Assistant Secretary

Present for Brooks II CDD:

Joseph Bartoletti	Chair
Ken D. Gould (via telephone)	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
Meagan Magaldi	District Counsel
Mark Zordan	Johnson Engineering, Inc. (JEI)
Blake Grimes	GulfScapes Landscape Mgmt Services
Andy Nott	Superior Waterway Services, Inc.
Bill Kurth	Premier Lakes, Inc. (Premier)
Jane Graham	Sunshine City Law-Representing Magnolia Bend
Kathy Wyrofsky	Resident
Bill Clark	Resident
Other Residents	

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 Garner, Woolsey, holdover Supervisor Sandra Varnum and Supervisors-Elect James Merritt and Edward Franklin were present. For Brooks of Bonita Springs II, Supervisors Bartoletti, Bertucci, O'Connor and Supervisor-Elect Lynn Bunting were present. Supervisor-Elect Kenneth Gould was not present at roll call.

SECOND ORDER OF BUSINESS

Public Comments: Agenda items only [3 minutes per person]

No members of the public spoke.

BROOKS OF BONITA SPRINGS ITEMS

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Elected Supervisors [Edward Franklin - Seat 1, James Merritt – Seat 2] (the following to be provided in a separate package)

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Edward Franklin and Mr. James Merritt. She explained the following:

- A. Updates and Reminders: Ethics Training for Special District Supervisors and Form 1**
- B. Membership, Obligations and Responsibilities**
- C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- D. Form 8B: Memorandum**

Mr. Franklin, Mr. Merritt and Ms. Varnum accepted the allowable Supervisor compensation.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2025-01, Declaring a Vacancy in Seat 3 of the Board of Supervisors Pursuant to Section 190.006(3)(B), Florida Statutes; and Providing an Effective Date

Mr. Adams presented Resolution 2025-01. Ms. Sandra Varnum currently sits as a holdover Board Member until Seat 3 is filled. Ms. Varnum agreed to fill Seat 3 and asked Staff to facilitate an e-blast directing interested candidates to submit a resume/letter of interest to fill Seat 3.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Woolsey, with all in favor, Resolution 2025-01, Declaring a Vacancy in Seat 3 of the Board of Supervisors Pursuant to Section 190.006(3)(B), Florida Statutes; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consider Appointment of Qualified Elector to Fill Seat 3 Vacancy; Term Expires November 2028

Mr. Merritt nominated Ms. Sandra Varnum to fill Seat 3. No other nominations were made. A Board Member stated he thinks the candidate should reside in Spring Run so that each Board Member represents an Association.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Franklin, with all in favor, the appointment of Ms. Sandra Varnum to fill Seat 3, was approved.

- **Administration of Oath of Office to Newly Appointed Supervisor**

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Sandra Varnum.

Mr. Gould joined the meeting at 1:12 p.m., via telephone.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2025-02, Electing and Removing Officers of the District, and Providing for an Effective Date

Mrs. Adams presented Resolution 2025-02. Ms. Varnum nominated the following slate:

James Arthur Merritt	Chair
Sandra Varnum	Vice Chair

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Edward A. Franklin	Assistant Secretary
John (Rod) Woolsey	Assistant Secretary
David L. Garner	Assistant Secretary

No other nominations were made.

The following prior appointments by the Board remain unaffected by this Resolution:

Chesley "Chuck" Adams	Secretary
Craig Wrathell	Assistant Secretary
Craig Wrathell	Treasurer
Jeff Pinder	Assistant Treasurer

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Woolsey, with all in favor, Resolution 2025-02, Electing, as nominated, and Removing Officers of the District, and Providing for an Effective Date, was adopted.

BROOKS OF BONITA SPRINGS II ITEMS

SEVENTH ORDER OF BUSINESS

Administration of Oath of Office to Elected Supervisors [Lynn Bunting - Seat 1, Kenneth Gould – Seat 2] (the following to be provided in a separate package)

The Oath of Office was administered to Ms. Lynn Bunting. The Oath of Office will be administered to Mr. Kenneth Gould at or before the next meeting.

- A. Updates and Reminders: Ethics Training for Special District Supervisors and Form 1**
- B. Membership, Obligations and Responsibilities**
- C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- D. Form 8B: Memorandum**

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2025-01, Electing and Removing Officers of the District, and Providing for an Effective Date

Mrs. Adams presented Resolution 2025-01. Mr. Bertucci nominated the following slate:

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Joseph R. Bartoletti	Chair
Kenneth Dean Gould	Vice Chair
Lynn Bunting	Assistant Secretary
Mary V. O'Connor	Assistant Secretary
Thomas J. Bertucci	Assistant Secretary

No other nominations were made.

The following prior appointments by the Board remain unaffected by this Resolution:

Chesley "Chuck" Adams	Secretary
Craig Wrathell	Assistant Secretary
Craig Wrathell	Treasurer
Jeff Pinder	Assistant Treasurer

On MOTION for Brooks of Bonita Springs II by Mr. Bertucci and seconded by Mr. Bartoletti, with all in favor, Resolution 2025-01, Electing, as nominated, and Removing Officers of the District, and Providing for an Effective Date, was adopted.

JOINT BUSINESS ITEMS

▪ **Magnolia Bend Fence Install Request/Presentation**

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

Ms. Jane Graham, Esquire, representing homeowners Wyrofsky et. al residing on Magnolia Bend in the litigation with the Developer regarding the Brooks Town Center Apartments development, gave a PowerPoint presentation and overview of the litigation and modifications that were made to the Development Order. The terms of the Settlement Agreement dismisses the two existing lawsuits; provides funding for landscaping and fencing along the border of the conservation area, which is on CDD property; and includes the Developer agreeing to comply with the new enhanced landscaping plans on its property and incur that expense.

Ms. Graham referred to a map contemplating the proposed CDD fence location, which would require issuing the permit in the CDD's name. She presented proposals from Superior

Fence & Rail and Federal Fencing. She will contact the South Florida Water Management District (SFWMD) to ensure there are no issues with the fencing and gate to access the drainage easement in the lake.

Discussion ensued regarding a request for Ms. Wyrofsky to work with the vendor; the project scope; including clearing the fence line; all the Master HOAs in the CDD being responsible for ongoing repair, maintenance, replacement costs; the conservation areas current condition; security; and multiple entities coordinating the project timeline.

Mr. Adams suggested the CDD allow the fence to be installed and to issue an Easement Agreement to the Shadow Wood Community Association to accept ongoing repair, maintenance and replacement responsibilities.

Ms. Bunting stated her intention to dissent because she wants the CDD to control the fence.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Ms. O'Connor, with Mr. Bartoletti, Ms. O'Connor, Mr. Gould and Mr. Bertucci in favor and Ms. Bunting dissenting, assigning an Easement Agreement to the Shadow Wood Community Association, to install and maintain a fence along the border of the conservation area located on CDD property, subject to receiving all the necessary permits/approvals from every entity that has to be involved, was approved. [Motion passed 4-1]

On MOTION for Brooks of Bonita Springs by Mr. Garner and seconded by Ms. Varnum, with all in favor, assigning an Easement Agreement to the Shadow Wood Community Association, to install and maintain a fence along the border of the conservation area located on CDD property, subject to receiving all the necessary permits/approvals from every entity that has to be involved, was approved. [Motion passed 5-0]

NINTH ORDER OF BUSINESS

**Consideration of Award of Contract –
Landscape Maintenance**

Mr. Bartoletti recommended awarding the Landscape Maintenance contract to GulfScapes Landscape Management, the lowest responsible and responsive bidder, based on the memorandum in the agenda outlining the Request for Proposals (RFP) responses.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Ms. O'Connor, with all in favor, ranking GulfScapes Landscape Management as the #1 ranked qualified respondent to the Request for Proposals for Landscape Maintenance Services, and awarding the Landscape Maintenance contract to GulfScapes Landscape Management, the #1 ranked respondent, was approved.

On MOTION for Brooks of Bonita Springs by Mr. Garner and seconded by Mr. Woolsey, with all in favor, ranking GulfScapes Landscape Management as the #1 ranked qualified respondent to the Request for Proposals for Landscape Maintenance Services, and awarding the Landscape Maintenance contract to GulfScapes Landscape Management, the #1 ranked respondent, was approved.

TENTH ORDER OF BUSINESS

Landscape Report: GulfScapes Landscape Management Services

Mr. Grimes reported the following:

- Palm trimming was completed.
- Hardwood trimming is underway.
- Mulch/pine straw installation was completed.

Discussion ensued about multiple vehicle accidents damaging irrigation heads and sod.

Mr. Grimes stated that new irrigation lines will need to be added from Shadow Wood and Via Coconut Point.

Mr. Bartoletti reported an irrigation leak from Copperleaf onto Three Oaks Parkway.

Mr. Grimes presented the following:

- **Irrigation Reports**
 - A. **Meter Usage by Clock**
 - B. **Year-Over-Year Water Usage**

ELEVENTH ORDER OF BUSINESS

Discussion: Premier Lakes December 2024 Quality Control Lake Report

Mr. Kurth presented the December 2024 Quality Control Lake Report.

A. Consideration of Premier Lakes One-Time Work Order Agreement [Sonar Herbicide Application]

Ms. Bunting stated she received numerous comments about the lack of fish in the lakes. Mr. Kurth stated the herbicides used are permitted and not detrimental to fish. He observed something herding fish and wading birds feeding on the fish; he thinks the fish population is probably decent.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Ms. O'Connor, with all in favor, Premier Lakes One-Time Work Order Agreement for Sonar Herbicide Application in Lakes 28A, 37, 40, 41, 42, 43, 46, 47, 53, 124 and 125, in a not-to-exceed amount of \$14,134, was approved.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, Premier Lakes One-Time Work Order Agreement for Sonar Herbicide Application in Lakes 28A, 37, 40, 41, 42, 43, 46, 47, 53, 124 and 125, in a not-to-exceed amount of \$14,134, was approved.

TWELFTH ORDER OF BUSINESS

Discussion/Consideration: Superior Waterway Services, Inc. Service Agreement Aeration Design Services

As directed, Mrs. Adams presented the Superior Waterway Services, Inc. Service Agreement to provide aeration design services for all 57 aerators, in order to proceed with the entire project and sealed bid process. She reviewed the \$65,000 annual "Aeration" and the \$41,380 "Aeration operation supplies" budget line items and noted the need to consider costs to provide additional power sources. Mr. Adams stated that, once they receive the cost opinion, the Boards can decide whether to add the project in addition to the street light project and potential other capital improvements.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Mr. Woolsey, with all in favor, Superior Waterway Services, Inc. Service Agreement for Aeration Design Services, for development of plans for 57 lakes remaining to have aeration systems, in a not-to-exceed amount of \$19,500, was approved.

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, Superior Waterway Services, Inc. Service Agreement for Aeration Design Services, for development of plans for 57 lakes remaining to have aeration systems, in a not-to-exceed amount of \$19,500, was approved.

THIRTEENTH ORDER OF BUSINESS

Discussion/Consideration of Johnson Engineering, Inc. Proposal for Annual Lake Bank/Littoral Audit (to be provided under separate cover)

In response to a question about when this will go out to bid, Mr. Adams stated that it was not necessary, as the District Engineering firm was engaged via the CCNA process.

Mr. Garner expressed frustration that the Agreement was not posted on the CDD website or included in the agenda. He proposed deferring this item to allow sufficient time to review the Agreement. Mr. Bartoletti polled the Board; the overall decision was to learn more about the Agreement and defer the decision to the next meeting.

Mr. Zordan distributed and presented the Johnson Engineering, Inc. (JEI) Professional Services Agreement to perform littoral and lake bank assessments, which was prepared by four different JEI Divisions. He gave an overview of the project scope for both items.

Mr. Bartoletti stated he planned to attend a meeting with the General Managers in December about this matter and that this item was not supposed to be on the agenda; however, this process will establish a base line for each lake. Mrs. Adams thinks that experts should be engaged to conduct lake bank assessments on the 152 CDD lakes, instead of District Staff or the General Managers doing it. She explained the duties of Premier Lakes, which excludes lake bank restoration.

Mr. Kurth stated that the General Managers' focus in the meeting was littorals only. He believes erosion repairs should be done by somebody who has the ability to utilize engineering and surveying tools.

A resident asked about the work Anchor Marine was doing. Mr. Willis stated they were engaged for lake bank restoration work on 26 lakes.

Mr. Bartoletti distributed and presented his draft letter summarizing the meeting with the General Managers and Mr. Willis. He suggests having the Lake Management Committee, Mr. Merritt and Ms. O'Connor review the littorals with the General Managers, Mr. Willis, Mr. Kurth and Staff so the Boards can prepare the draft Fiscal Year 2026 budget.

Mr. Merritt stated he thinks there are serious problems with the lake bank restoration project and thinks the Engineer should review Anchor Marine's work. Mr. Willis disagreed with Mr. Merritt's opinion; he would have Mr. Zordan review the projects.

Discussion ensued regarding the Golf Course, which typically does not have lake bank erosion issues, and its stance on littorals and the littoral shelf requirements.

Mr. Adams stated he will present lake audit options at the April meeting. Mr. Bartoletti asked for the Lake Management Committee to focus on the littorals.

FOURTEENTH ORDER OF BUSINESS

**Magnolia Bend Fence Install
Request/Presentation**

This item was presented following the Eighth Order of Business.

FIFTEENTH ORDER OF BUSINESS

Update: Sidewalk Replacement Project

Mr. Zordan read an email regarding the status of the Sidewalk Replacement Project, as follows:

"Quick summary- Bonness mobilized the equipment and personnel Monday morning. Existing asphalt sidewalk is being cleared on Coconut Road westbound north side of the road beginning at Coconut Road and Three Oaks Parkway, working westbound. Clearing operations performed to + or - 800' west of the Commons Club entrance off of Coconut Road.

The milling crew is off today for a training session but milling operations are expected to resume tomorrow. Concrete placement began yesterday, 8' concrete sidewalk has been replaced. Coconut Road westbound north side of the road from Coconut Road and Three Oaks Parkway to the Brooks Town Center entrance. Crews are currently placing the sidewalk from the Brooks Town Center entrance towards the Common Club entrance. They are about halfway there now. That is early this afternoon. Yesterday was seven loads of concrete, today will be the same.

That should yield approximately 470 linear feet of 8' sidewalk per day, if they stick to that order and schedule. Crews are doing good work, the site is tidy, embankment disruption outside of proposed pathways have been minimal, all is looking good so far.”

Mr. Merritt identified two glitches in the project, which were resolved. He opined that the traffic control, the inspector and the results are outstanding; he could not be happier with the project.

Regarding the status of Lee County approving Three Oaks Parkway, Mr. Zordan stated the Lee County Limited Development Order (LDO) is under review in DOT and environmental; he will follow up with the lead reviewer tomorrow; he does not anticipate a problem with it being approved.

Mr. Bartoletti asked Mr. Zordan if he received the data about the concrete mix and, if not, he wants the information on the April agenda. Mr. Zordan stated he will email Aaron.

Mr. Zordan stated the project is on schedule for 180 days.

SIXTEENTH ORDER OF BUSINESS

Update: Roadway Lighting Project

Mr. Adams gave an update on the project. He will schedule an audit once the contractor executes and returns the District’s Professional Services Agreement, which he hopes to receive by the end of the week.

SEVENTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2024

Mr. Adams presented the Unaudited Financial Statements and Financial Highlights Report as of December 31, 2024. \$1 million and \$500,000 in excess funds were transferred from the Brooks of Bonita Springs I and Brooks of Bonita Springs II General Fund, respectively, to the Bank United Insured Cash Sweep (ICS) account.

Mrs. Adams stated she is reclassifying some budget line items that were coded incorrectly.

EIGHTEENTH ORDER OF BUSINESS

Approval of October 23, 2024 Joint Regular Meeting Minutes

The following changes were made:

Line 113: Change “Lume” to “Williams”

Line 114: Change “on” to “from”

Line 115: Change “the boardwalk” to “41”

Line 157: Change “Mr. Bentley” to “an engineering firm”

Line 161: Change “illuminating” to “eliminating”

Line 162: Change “slanting” to “a barrier”

Line 257: Insert “Madri” after “Joe”

Line 262: Change “assessment” to “appropriate”

Line 264: Replace “the negotiating a significant payment to Rails and Trails and, in return, provide the CDDs the perpetual easement” with “negotiating a perpetual easement with Rails and Trails.”

On MOTION for Brooks of Bonita Springs II by Mr. Bartoletti and seconded by Mr. Bertucci, with all in favor, the October 23, 2024 Joint Regular Meeting Minutes, as amended and to include any additional changes submitted to Management, were approved.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the October 23, 2024 Joint Regular Meeting Minutes, as amended and to include any additional changes submitted to Management, were approved.

NINETEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Coleman, Yovanovich & Koester, P.A.

There was no report.

B. District Engineer: Johnson Engineering, Inc.

There was nothing further to report.

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: April 23, 2025 at 1:00 PM [Presentation of FY2026 Proposed Budget]**
 - **QUORUM CHECK – BROOKS OF BONITA SPRINGS**
 - **QUORUM CHECK – BROOKS OF BONITA SPRINGS II**

TWENTIETH ORDER OF BUSINESS

Supervisors' Requests

Mr. Garner expressed disappointment in the length of meetings and asked to refrain from adding items that are not on the agenda, unless they are emergency items.

Discussion ensued regarding ways to shorten the meetings and how Mr. Adams and Mrs. Adams' other CDDs conduct meetings.

Ms. Bunting asked about scheduling another meeting before April, due to the large agenda.

Mr. Merritt asked for an update on the camera. Mr. Willis stated he will follow up with AV-Tech and expects it to be completed before the next meeting.

TWENTY-FIRST ORDER OF BUSINESS

**Public Comments: Non-Agenda items only
[3 minutes per person]**

No members of the public spoke.

TWENTY-SECOND ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 3:51 p.m.

On MOTION for Brooks of Bonita Springs by Mr. Merritt and seconded by Ms. Varnum, with all in favor, the meeting adjourned at 3:51 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 3:51 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

January 22, 2025

FOR BROOKS OF BONITA SPRINGS:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BROOKS OF BONITA SPRINGS II:


Secretary/Assistant Secretary


Chair/Vice Chair