

**MINUTES OF MEETING
BAYSIDE IMPROVEMENT AND BAY CREEK
COMMUNITY DEVELOPMENT DISTRICTS**

A Joint Regular Meeting of the Boards of Supervisors of the Bayside Improvement Community Development District and Bay Creek Community Development District was held on **Monday, January 23, 2012 at 2:00 p.m.**, at the **Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134.**

For Bayside Improvement CDD:

James Patterson	Chair
Walter McCarthy	Vice Chair
Jack Lienesch	Assistant Secretary
Bernie Cramer	Assistant Secretary
T. Marvin Hancock	Assistant Secretary

For Bay Creek CDD:

Frederick McAuley	Chair
Nelson Glueck	Vice Chair
Keith Huffman	Assistant Secretary
Robert Pritt	Assistant Secretary
James Janek	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox	District Counsel
Doug Kucera	Landscaping Manager
Paul Kemp	Irrigation Manager
Bill Kurth	Lake Masters
Holly Harmon	Real Estate Attorney
Carl Barraco	District Engineer
Bob Sontag	Secretary, Palm Colony Board of Directors
Pete _____	Resident

FIRST ORDER OF BUSINESS

Call to Order/Pledge of Allegiance

Mr. Patterson called the meeting to order at 2:00 p.m., and all present recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS

Roll Call

Supervisors McAuley, Pritt, Huffman, Janek and Glueck were present, in person, for Bay Creek CDD. Supervisors Cramer, Hancock, Lienesch, McCarthy and Patterson were present, in person, for Bayside Improvement CDD.

▪ **Landscaping and Irrigation Reports**

****This item was an addition to the agenda****

Mr. Doug Kucera, Field Manager, reported that since October, landscape-planting renovations were completed on the Greenview berm and pinestraw was installed in Pelican Landing and The Colony. He advised that winter annuals were planted in November. Mr. Kucera indicated that several of the beds are not growing as quickly and annuals will be added to them. Steps and a handrail were added at the Bay Creek pump house to provide safe access to the roof. A pipe rack was removed from above the door and the pump house was painted to make it less noticeable from the street. Mr. Kucera noted that the palms are being trimmed and the work should be completed by the middle of February.

Mr. Hancock inquired about the two doors behind the pump house on Lakemont Cove. Mr. Kucera advised repairs were completed last week.

Mr. McAuley complimented Mr. Kucera's staff on the renovations completed on Greenview Drive. Mr. McCarthy requested to meet with Mr. Kucera prior to commencing renovations at Bay Cedar.

Mr. Paul Kemp, Irrigation Manager, reported that routine wet checks are being completed, along with irrigation of the common areas. He advised that the lake levels are monitored on a daily basis.

Mr. McAuley inquired about the low water level of the pond at the south gate and the first pond on Greenview Drive. Mr. Kemp advised that those lakes are shared with the golf course. He indicated that the Districts' irrigation consumption increased by about 20%, in the last month, due to the lack of rain. Mr. Kemp noted that the water level drops significantly at night and then rises throughout the course of the day as the wells recharge the pond. He explained that there are four ground wells pumping into the lakes 24 hours per day; however, due to the dry conditions, residents are using more water to keep their landscaping from drying out.

Mr. Cramer requested that the timing of the sprinklers at the center entrance be changed to later in the evening.

THIRD ORDER OF BUSINESS**Public Forum**

Mr. Patterson advised that the purpose of the public forum is for residents to speak to any of the agenda items.

Mr. Bob Sontag, Secretary of the Palm Colony Board of Directors, discussed the poor condition of Lake E-1. He recalled that last April, the CDD Boards approved raising the aquatic plant levels; however, Lake E-1 is almost void of any lakeside vegetation and shelf plants are almost nonexistent. Mr. Sontag commented that the lake smells, the fish are gone, shore birds no longer come around because there are no littoral plants to feed on and there are huge clumps of seaweed. He feels this is the worst looking lake in Pelican Landing.

Mr. Kurth, of LakeMasters, explained that the submersed vegetation coming off the bottom of the lake is Bladderwort and some is Spike Rush, both of which are problematic. Mr. Kurth advised that his applicator noted Mr. Sontag's concerns regarding the lack of littoral plantings. An agreement was reached to plant an additional 3,000 plants around the edge of the lake. Mr. Kurth explained that he prefers to wait until March because of the herbicide being used and the plants that were harvested previously had frost damage and did not survive.

Mr. Sontag questioned if the water quality would support aquatic life. Mr. Kurth noted there should be no problem with the water quality. Ms. Crismond advised that the annual audit to evaluate the wildlife is scheduled for May. She explained that last year, the same plant pallet was installed on all of the lakes, including Yellow Canna and Pickerelweed, and a more significant amount than normal was planted in Lake E-1. Mr. Crismond stressed that the additional planting in the spring will take time to fill in.

In response to a question regarding whether water quality studies were being conducted on Lake E-1, Mr. Adams suggested a one-time grab sample to check a few parameters to ensure the health of the lake. Mr. McCarthy offered to train some of the residents to draw samples and introduce them to the county Pond Watch Group. Mr. Sontag felt that was the responsibility of the CDD. He conveyed that the residents are raking the seaweed out of the lake, letting it dry on the shore and then disposing of it; others are blasting large pools of algae with garden hoses. Mr. Adams stressed that raking a lake after a treatment could actually do more harm to the program than good. He advised that LakeMasters can use field chemical test kits to test for dissolved oxygen and things of that nature to quickly determine the health of the lake.

On MOTION for Bayside Improvement by Mr. Hancock and seconded by Mr. McCarthy, with all in favor, a one-time testing of the Lake E-1 lake water was approved.

On MOTION for Bay Creek by Mr. Huffman and seconded by Mr. Glueck, with all in favor, a one-time testing of the Lake E-1 lake water was approved.

Mr. Patterson conveyed the Districts' commitment to doing what is necessary to improve the lake. He advised if improvement is not seen quickly enough, further action will be taken.

JOINT MEETING ITEMS

FOURTH ORDER OF BUSINESS

Staff Reports: Engineer

Mr. Barraco recalled the map created showing the lake system, direction of the water flow and the interconnect. He suggested mounting the aerial exhibit for reference during these types of discussions.

Mr. Barraco reported on the status of the certifications. He indicated that he communicated with South Florida Water Management District (SFWMD) and SFWMD is actively reviewing them. Questions were asked, information was provided and the certifications are moving forward. Mr. Patterson asked if he received any information from WCI. Mr. Barraco advised he has not heard anything further. He will contact WCI again.

Mr. Lienesch recalled discussions about an overlay map, which was to be done electronically and inquired about the status. Mr. Adams advised that the vast majority of the GIS map is completed but some final tweaks are necessary. He anticipated presenting it to the Boards in February or March. Mr. McAuley suggested adding this as an action item. Mr. Adams reiterated that it will be on the agenda for February or March.

FIFTH ORDER OF BUSINESS

Consideration of NPDES Agreement with District Engineer

Mr. Barraco noted that he provided Mr. Adams with a proposal to address all items in the Districts' portion of the NPDES permit. He pointed out that Tasks B and E in the agreement are

one-time only tasks. He further noted that Management and Staff will be completing Tasks C and D, which should save the Districts a significant amount of money. Mr. Patterson inquired about Item E, Total Maximum Daily Load (TMDL), and asked Mr. Barraco if there would be any limitations, in terms of the TMDLs, that will affect Spring Creek or Estero Bay and, if there are, will water quality measurement be required. If so, he asked if costs needed to be added into the agreement for consideration. Mr. Barraco stated the majority of the agreement relates to how the system is internally functioning, which involves the discharge inspections and those type of things.

With regard to TMDL monitoring and discharge, Mr. Cox explained that under the new program, there are certain levels that will be acceptable for each type of water body, depending upon their location within the state. When the water body reaches that level of impairment, a remediation plan must be developed for that particular water body. At that time, they will have to begin looking internally into what contributed to the condition.

Mr. McCarthy requested carrying this item on a future agenda in order to get a better understanding of the water quality rules. Mr. Cox requested that it be placed on the March agenda.

A Board Member inquired about Mr. Barraco's recommendation with regard to the frequency of lake bank inspections. Mr. Barraco explained that he did not want the Board to be confused between the inspections required for the NPDES permit and the other inspections he recommended to be conducted more frequently. He indicated that they are two different things. Mr. Adams explained that Staff will review the lake banks on an annual basis and, if it is determined that erosion is occurring more rapidly, Mr. Barraco's recommendation for more frequent review will be considered. Mr. Barraco clarified that there are two different criteria for the same lakes and lake banks.

Mr. McCarthy inquired about the number of "man hours" involved in Items B and D for four Districts. Mr. Barraco will provide the information to Mr. Adams for dissemination to the Boards.

Mr. McCarthy pointed out that, for most of Pelican Landing, there is no standard for the lake banks above the control elevation because the SFWMD did not adopt standards above the control elevation until after the permits were submitted. Mr. Barraco noted that, in many cases, the Districts' responsibility for the slopes may end at the control elevation, depending upon who

owns the land. He stressed that, since the Districts are responsible for maintenance of the entire lake system, if Staff sees that erosion is occurring on an adjacent property, the party responsible for maintenance must be notified.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Lienesch, with all in favor, the agreement presented by Barraco & Associates for the first year NPDES MS4 Permit and authorizing the District Manager to execute on behalf of the District, was approved.

On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Huffman, with all in favor, the agreement presented by Barraco & Associates for the first year NPDES MS4 Permit and authorizing the District Manager to execute on behalf of the District, was approved.

SIXTH ORDER OF BUSINESS

Lake Maintenance Activities Report - Bill Kurth

Mr. Kurth reported on the success of the new treatment program and explained how sonar works. He advised that Lakes E-11 and E-12 were the first two that were treated; however, the results were delayed due to a major rainfall and sonar was reapplied. Mr. Kurth indicated beginning in November, lake A-9 was the only lake treated because, in most of the communities, several feet of lawn was under water and sonar would have bleached the lawns. In addition, all of the weirs were flowing heavily, which delayed treatment. Mr. Kurth was constantly looking at the weirs to determine what areas required treatment but major applications did not commence until December. He explained that Slender Spike Rush and Bladderwort are the two main species and are somewhat resistant and die slowly; however, major improvement has been seen in many of the lakes.

Mr. Kurth reported that the lakes being treated with sonar are A-1, 3, 5, 9, 10, 14 and 18; B-5 and 6; C-1, 2 and 3; D-7, 10, 13, 14 and 15; E-1, 2, 3, 8, 11, 12, 15 and 16 and F-1, 3, 4, 5, 6 and 16. He pointed out that all have had at least one application. Mr. Kurth discussed the condition of Lake A-9, which has had seven applications.

Mr. Kurth explained that contact herbicide treatments have been used on the lakes where sonar was not a good option due to irrigation, flow, or weed species. He reported that some success was achieved on Lake B-4 with submersed vegetation. The lake was heavily treated for two consecutive weeks; however, this resulted in damage to some of the littoral plants. Mr. Kurth stated since the water level has dropped, the lake banks look unsightly; however, the water contains almost no algae and the Bladderwort is virtually gone.

Ms. Crismond inquired about the status of grass carp permitting. Mr. Kurth responded that he reapplied but has not heard back; he will follow up and report back to the Boards.

Mr. Hancock inquired about the biodegradation of the chemicals and their safety. Mr. Kurth advised that sonar naturally breaks down by 50% and hydrothol breaks down in five days. Discussion ensued regarding the effects of temperature on sonar.

Mr. Hancock expressed the Boards' dissatisfaction with complaints about the lakes. He felt that those lakes receiving a second complaint should get special attention, such as Lake E-1. Mr. Kurth advised he and Ms. Crismond have visited Lake E-1 at least seven times in the last two months and the lake has received multiple sonar applications. Mr. Hancock felt that the lake treatment reports for Lake E-1 were very vague. Mr. Kurth explained that the report only shows that the lake was treated, not how much time was spent.

SEVENTH ORDER OF BUSINESS

Results of Water Quality Testing

Mr. Hancock referred to a chart showing that the nitrogen and oxygen levels increased in Lake A-8. He requested to meet Mr. Jason Zimmerman to discuss the results of the water testing, which is showing some unusual activity. Mr. McCarthy expressed concern with regard to the nitrogen levels, which are indicative of fertilizer in the water. Mr. McCarthy discussed the nitrogen levels for several of the lakes and pointed out that the level for Lake A-8 is 7.97, much higher than the recommended level of .05. He feels that the nitrogen levels are dramatically out of line and indicate the presence of fertilizer.

BAYSIDE IMPROVEMENT ITEM

- **Consideration of Request to Allow LME Encroachment to Continue to Exist at Lot 3 of Las Palmas**

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

Mr. Adams advised this item was requested by Ms. Holly Harmon, a real estate attorney representing Mr. and Mrs. Sheldon Miller. The petition requests that the Board allow an encroachment, which currently exists within the lake maintenance easement bordering their property. Mr. Adams referred to a copy of the original drawing, as well as the recent survey showing the highlights of the location of the encroachment, provided behind Tab 17. He noted that the encroachment is less than one foot and is part of a pool and lanai area. Mr. Adams explained that the encroachment was acknowledged prior to the sale from the original developer to the Millers and their closing agreement included a separate agreement indicating that the developer, Landmark LTD, was going to petition the District, the following month, to have the District allow for the encroachment on a go-forward basis. Mr. Adams stated that never occurred.

Mr. Adams advised that the Millers are now in a position to sell the property and have a contract pending, based upon this item being resolved. He recalled that the means by which this was handled in the past was by a Consent to Use Easement Area Agreement, a copy of which was included in the agenda package. Mr. Adams indicated that he advised Ms. Harmon that, while the District does not set a precedent and reviews these types of requests on a case-by-case basis, if the Board is willing to allow the encroachment to continue, this agreement must be considered by the Board.

Mr. Adams discussed the conditions of the agreement and recommended an adjustment to Paragraph 1, third sentence, adding the word "reconstruct" after "construct". He pointed out that on a day-to-day basis, this encroachment will have little to no effect on the District's operations. Mr. Adams stated Staff's recommendation is to allow this encroachment to continue and to do so by Consent to Use Easement Area Agreement, with the addition of "reconstruct", as discussed.

Ms. Harmon provided additional information and Mr. Adams clarified that the net amount of remaining easement, in favor of the District, is 8.1 feet, which exceeds Staff's day-to-day needs. As indicated previously, the agreement allows the District to remove the encroachment, if necessary, as part of maintaining the adjacent lake. In response to a question from Mr. McCarthy, Mr. Adams advised that the Millers will be required to provide the CDD with a copy of the recorded documents.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Lienesch, with all in favor, the request to allow LME encroachment to continue to exist at Lot 3, Las Palmas, with the provisions outlined in the Consent to Use Easement Area Agreement, as amended, and with provision of an updated survey, was approved.

JOINT MEETING ITEMS

EIGHTH ORDER OF BUSINESS

Discussion/Consideration: Request from the Mystic Ridge Board of Directors for Seasonal Flowers

Mr. McCarthy disclosed, for the record, that Mrs. Joan Hyland is his sister. Mr. Cox explained that, in this instance, the requirement for him to recuse himself from voting does not apply.

Mr. McCarthy pointed out that the Districts supply the flower program to single-family neighborhoods but not to the condominiums. He noted that he asked Mr. Adams if the District would be justified in supplying flowers to condominiums because they meet the same test as the other neighborhoods. Mr. McCarthy indicated that members of Ms. Hyland’s association pay about \$40 per year each for their flower program, in addition to paying the CDD fees, which pay for the program for the single family neighborhoods.

Mr. Glueck pointed out that approval would be setting a precedent and this is not in the Districts’ budget.

Mr. Patterson saw no reason not to approve this request, with the understanding that it would be done for all, upon their request. Mr. Adams stated if they were to provide seasonal flowers to the neighborhood associations, it must be done by agreement, similar to what was done with any of the neighborhood associations whose berms border a major roadway.

Mr. Cox suggested that this item be considered in preparation of next year’s budget and that all of the associations wishing to be involved in the program be given the opportunity to come forward and identify the impact. Mr. Adams recommended that, if the Boards are willing to approve this request, communication should be sent out giving a deadline for any neighborhood association wishing to take part in this program. After the deadline, any considerations would be for the following year, for budget purposes. Mr. Adams also recommended keeping this program for flowers only; the flowers will be consistent with those

planted everywhere else and the District must have some control over the irrigation. In addition, an easement and a legal agreement must be drawn up to allow the District to enter those premises to perform the work.

Mr. McAuley felt there is an inequity in the benefit and suggested charging all communities wishing to have monument flowers an additional fee, to be determined by the Boards, for the flowers and installation. He pointed out that this would double or triple the amount of the District's flower budget.

Mr. Adams felt that the majority of the neighborhoods will not want to participate because they want more personalized entranceways. Mr. Pritt recommended that the Boards not reject the request and make a determination that it cannot be done now, because of the timing, and advised putting this item on a future agenda for discussion. Mr. Adams suggested that the Boards decide by March and then send communication to the neighborhood associations, with a July 1 deadline, to increase the budget accordingly.

At Mr. Leinesch's suggestion, Mr. Cox advised that a detailed list of what the Districts will do and what the neighborhood associations will have to do to become part of the program, as of Fiscal Year 2013, will be drafted. Further discussion ensued. Mr. Adams will prepare an outline identifying the neighborhood locations and the estimated quantities, on a per plant basis, and provide estimates. He stated this will be an Action Item on the February agenda. Mystic Ridge will be advised that this matter is under consideration.

NINTH ORDER OF BUSINESS**Maintenance Agreement with PLCA**

Mr. Patterson felt the first part of the agreement was confusing, such as the Districts' capability to repair and replace roads. Mr. Cox advised that the Districts have never opted to exercise that ability. He clarified that the purpose of License Agreement is to acknowledge that the Districts and the PLCA have the ability to handle any of the responsibilities listed. The agreement will define the Districts' responsibilities and the PLCA's responsibilities. Discussion ensued regarding road maintenance and cable and maintenance responsibility.

Mr. McAuley inquired about the lights at the three gates. Mr. Adams advised when he updated the agreement, those things that the Districts already owns and are operating were removed. He clarified that the purpose of this agreement is to determine what other

infrastructure is out there that the Districts do not already own and that one party or the other must determine how they will be operated and maintained.

Mr. Pritt asked how much more the Districts are taking on in the way of costs and if the PLCA has approved this agreement. Mr. Adams advised that the agreements are being presented in parallel. He indicated that the only significant item is the roadside drainage collection system, which only involves the roads that serve the greater community of Pelican Landing that are dedicated to the PLCA, including the parking lots owned or operated by the PLCA. He clarified that the Districts are not accepting responsibility for the pavement area or the guttering system that gets the water to the collection boxes. Mr. Adams emphasized that the Districts are strictly responsible for drainage.

With regard to the cost, Mr. Adams explained that this is done on a three-to-five-year rotational basis by breaking the community into segments and the cost will be anywhere from \$20,000 and \$30,000 per year. The inspection and cleaning will be done on an as-needed basis. In accordance with this document, structural repairs will require a discussion between the two entities because it is a capital replacement program of a facility that is not owned by the Districts but that they are operating. Mr. Adams indicated that the Districts and the PLCA will decide who is better suited to address financing of a structural replacement on a go-forward basis.

Mr. Hancock requested requiring notice to terminate the agreement. Mr. Adams recommended a termination notice of six months prior to the end of a budget year, for planning purposes, for both entities.

A Board Member stressed that the responsibilities must be identified by all parties for the benefit of the residents in the community. Mr. Adams noted that, along with this agreement, there will be a more detailed map showing all of the locations.

Mr. McCarthy discussed several language changes. He indicated that he will email his suggestions to Mr. Adams.

Mr. Glueck asked Mr. Adams how detailed the map will be. Mr. Adams noted that it will highlight all of the roads that are included and the parking lots. The monument locations will be identified, as well. Mr. Glueck stressed that this map is one of the keys to determining future responsibilities and ownership.

This item was tabled to the February meeting.

TENTH ORDER OF BUSINESS

Continued Discussion/Actions Related to District Merger Workshop

Mr. Pritt reported that he was in contact with at least one state legislator concerning Mr. Caldwell's bill and the bill does not purport to make any changes to CDDs. In light of the fact that one or more special district bills are being considered in the legislature, the fact that the governor has announced that he is forming his own group to review special districts in general and that the legislature is still in operation, Mr. Pritt suggested that the Boards table this discussion until later in the year, after the legislative session has ended. He noted that, before the Boards have completed their discussions, they must hear from their constituency. Mr. Pritt made a motion to table this discussion until the May meeting and not make any decisions until they can determine what the state decides. There was no second to the motion.

Mr. Lienesch made a motion to table the discussion for Bayside Improvement. Mr. Patterson seconded the motion.

Mr. Cox explained that if the Districts had lobbyists, such as himself, who can get this information to the committees working on this legislation, it may potentially result in some cost savings.

On MOTION for Bayside Improvement by Mr. Lienesch and seconded by Mr. Patterson, with Mr. Hancock in favor and Mr. Cramer and Mr. McCarthy dissenting, tabling the discussion/actions related to the District Merger Workshop until the May meeting was approved. (Motion passed 3-2)

On MOTION for Bay Creek by Mr. Janek, with Mr. Pritt, Mr. Cramer, Mr. McAuley and Mr. McCarthy dissenting, merging the Bayside Improvement and Bay Creek CDDs into one district was not approved. (Motion failed 4-1)

Mr. Patterson felt that Mr. Cox should discuss their concerns with Mr. Caldwell and try to influence the discussion in the legislature regarding the changes they are proposing. Mr. Cox indicated that he will have to register as a lobbyist in order to represent the Districts or to try to influence the legislation on their behalf.

Mr. McAuley indicated that this topic was tabled by one Board and opposed by the other and he advised Mr. Cox that they were not directing him to do anything additional in this regard.

Mr. Patterson noted that this will probably be an election issue for those who are running for election in November and felt they should obtain more information from the public regarding what is best for the community.

ELEVENTH ORDER OF BUSINESS

Approval of December 12, 2011 Joint Regular Meeting Minutes

Mr. Patterson presented the December 12, 2011 Joint Regular Meeting Minutes and asked for any additions, deletions or corrections. The following changes were made:

Line 36: Change “Adams” to “Patterson”

Line 61: Delete “his”

Line 76: Change “truths” to “truthed”

Lines 94: Change “they do not” to “WCI does not”

Line 101: Change “they” to “WCI”

Line 117: Add Mr. McCarthy’s statement: “Mr. McCarthy pointed out that the CDDs are not responsible for lake banks above the control elevation since there were no standards applicable when the permits were issued”

Line 319: Change “was” to “were”

Line 449: Change “as” to “a”; change “call” to “cost”; change “high” to “long”

Lines 421, 422 & 423: Strike the first sentence

Line 423: Remove “also”

Line 464: Change “looks” to “look”

Line 470: Change “wheel” to “will”

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Lienesch, with all in favor, the December 12, 2011 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Bay Creek by Mr. McAuley and seconded by Mr. Huffman, with all in favor, the December 12, 2011 Joint Regular Meeting Minutes, as amended, were approved.

TWELFTH ORDER OF BUSINESS

Old Business

There being no old business, the next item followed.

THIRTEENTH ORDER OF BUSINESS

Other Business

a. Action Items

Mr. Patterson reviewed the action items that were pending from the last meeting. He indicated that Mr. Barraco has not emailed the details on the control structures to Mr. McCarthy. This will remain an action item.

The Board Members provided their ideas to Mr. Cox regarding the merger. This item will be deleted.

Mr. Adams advised that he emailed the parameters for the new numeric threshold for nutrients, along with the statutes regarding mergers, to the Boards. This item will be deleted. He noted that he attempted to circulate the article from the Naples newspaper about Island Walk; however, the article had expired in the link. This item will be deleted.

Mr. Patterson advised he had attempted to complete Item 5, which was to approach Pelican's Nest and The Colony and request copies of reports filed relative to the dates of fertilizer applications over the past year; however, he did not acquire the correct information. Mr. Hancock will follow up with Mr. Zimmerman regarding the specifics and this item will remain as an action item.

Ms. Crismond indicated that an update was provided regarding the algae in the lake at Ascot. This item will be removed. She also noted that the light post painting was not completed. This item will remain an action item.

Mr. Patterson indicated that the Workshop regarding the merger will also remain as an Action Item.

Mr. Glueck referred to Page 3 of the December 12, 2011 minutes and requested that the status of WCI looking into the records to help determine why the two (2) control structures do not match the plans in SFWMD's files be added as an action item. With regard to his report that

the aerator on D-1 was not working, he clarified that this was on Lake D-2. Ms. Crismond advised him that Lake D-2 does not have aeration and the aerator on Lake D-1 works.

FOURTEENTH ORDER OF BUSINESS**Staff Reports****a. Attorney**

The attorney had nothing further to report and the next item followed.

b. Manager**i. Unaudited Financial Statements as of December 31, 2011**

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2011. He reported that the Districts received a significant portion of their revenue in the form of assessments during the month of December. Mr. Adams noted that expenses, year-to-date, are in line. The general fund 101 and 001 are slightly above, at 27%, compared to a prorated budget of 25%, some of which is attributable to one-time expenses that hit in the first quarter of the year, including assessment roll preparation and insurance. Mr. Adams advised the costs incurred for operating supplies for parks and recreation were primarily for repairs to the central fountain feature and for mulching at the Children's Park. He noted the collection costs related to the property appraiser and tax collector, which coincide with the revenue collections.

Mr. McCarthy pointed out that Bay Creek was low and Bayside Improvement was high with regard to the assessment revenue. Mr. McCarthy also noted that the majority of the costs for the architectural fountains are miscoded to contingencies. Mr. Adams agreed and indicated that this will be corrected, moving forward.

Mr. McCarthy indicated that part of the cost for the work completed by EarthBalance was coded to Bay Creek. Ms. Crismond noted that this charge should have been billed to Bayside Improvement and it will be corrected. Mr. Adams discussed the three bills being received for lake maintenance and wetlands and acknowledged one miscoding, which he advised will be corrected immediately.

In response to a question from Mr. Patterson, Mr. Adams explained that, in February or March, a listing will be compiled of all of the properties in the assessment area and a credit check will be issued to each of the properties, which will zero out the fund. He stated the other alternative is to remove the properties that prepaid from the list, spread the cost over those properties and treat it as a credit towards next year's assessment, for those properties only. Mr.

Huffman suggested using the fund to purchase items for the community. Mr. Adams acknowledged that is another alternative, provided it is for a capital improvement.

Mr. McCarthy inquired about the year-to-date figure of \$25,950, on Page 23 of the unaudited financial statements, for the tax collector. Mr. Adams acknowledged that the amount is incorrect.

ii. Savings & Money Market Account/Investment Snapshot as of 1/19/12

Mr. Adams advised this item was for informational purposes, indicating where the balances are invested.

iii. Irrigation High User Report

- o **Bayside Improvement CDD**
- o **Bay Creek CDD**

iv. NEXT MEETING DATE: February 27, 2012 at 2:00 P.M.

Mr. Patterson noted that the next meeting is scheduled for February 27, 2012.

v. Operations Report

Ms. Crismond advised that the items pertaining to Bay Creek CDD were discussed previously.

FIFTEENTH ORDER OF BUSINESS

Audience Request

Comments/Supervisors'

There were no audience comments or Supervisors' requests.

SIXTEENTH ORDER OF BUSINESS

Adjournment: Bay Creek

There being no further business, the Bay Creek meeting adjourned at 5:06 p.m.

FOR BAYSIDE IMPROVEMENT ITEMS

SEVENTEENTH ORDER OF BUSINESS

Consideration of Request to Allow LME Encroachment to Continue to Exist at Lot 3 of Las Palmas

This item was discussed after the Seventh Order of Business.

EIGHTEENTH ORDER OF BUSINESS

**Audience
Request**

Comments/Supervisors'

There were no audience comments. In response to a question from Mr. McCarthy regarding stains on the monument signs, Ms. Crismond indicated they are from the irrigation.

Ms. Crismond reported that Management met with Mr. Kucera, Supervisor Lienesch and the Garden Committee on January 19 regarding the requested renovations on the three entries. She indicated that once pricing is obtained, it will be presented to the Board for consideration.

Ms. Crismond noted that Mr. Hancock will join her tour with LakeMasters every two weeks, beginning on Thursday.

Mr. Hancock thanked Mr. Adams and Ms. Crismond for organizing the staff training for OSHA and the chemical spill cleanup. Mr. Adams clarified that this is for spill response training class, as well as OSHA training.

NINETEENTH ORDER OF BUSINESS

Adjournment: *Bayside*

There being no further business, the Bayside Improvement meeting adjourned at 5:08 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair

ACTION/AGENDA ITEMS:

1. **ACTION ITEM:** 3,000 plants to be added in the Spring – plantings last year did not survive
2. **ACTION/AGENDA ITEM:** Mr. Adams to present GIS map to the Board in February or March
3. **ACTION ITEM:** Conduct a one-time testing of the Lake E-1 lake water
4. **ACTION ITEM:** Mr. Barraco to email details on the control structures to Mr. McCarthy; Mr. McCarthy to look in county files to see if there is a plan that corresponds to what Mr. Barraco has
5. **ACTION ITEM:** Mr. Barraco to follow up with WCI regarding status of WCI looking into the records to help determine why the two (2) control structures do not match the plans in SFWMD's files
6. **ACTION ITEM:** Mr. Kurth to follow up on grass carp permitting

7. **ACTION ITEM:** Hs. Harmon to provide CDD with recorded documents for Lot 3, Las Palmas
8. **ACTION ITEM:** Mr. Hancock to meet with Mr. Zimmerman regarding the specifics of the fertilizer applications. He will also request copies of reports filed relative to dates of fertilizer applications over past year from Pelican's Nest and The Colony.
9. **ACTION ITEM:** With regard to the flower program, Mr. Adams to prepare an outline identifying the neighborhood locations and the estimated quantities, on a per plant basis, and provide estimates.
10. **AGENDA ITEM:** Maintenance Agreement with PLCA
11. **ACTION ITEM:** Mr. McCarthy to email suggestions for language changes in PLCA Maintenance Agreement to Mr. Adams
12. **ACTION ITEM:** Mr. Cramer requested that the timing of the sprinklers at the center entrance be changed to later in the evening. Mr. Kurth to follow up.
13. **ACTION ITEM:** Mr. Barraco to provide the status of certifications.
14. **ACTION ITEM:** Light Post Painting
15. **AGENDA ITEM:** Workshop – Merger

- 16. **ACTION ITEM:** At Mr. McCarthy’s request, Mr. Barraco to provide the number of “man hours” involved in Item B and Item D in the NPDES agreement, for four Districts, to Mr. Adams for dissemination to the Board.

 - 17. **AGENDA ITEM: MARCH** – Discussion of Water Quality Rules

 - 18. **ACTION ITEM:** Mr. Adams to follow up with accounting to ensure billing is correct for wetlands and lakes for Bayside and Bay Creek. Mr. Adams to correct coding for architectural fountains and year-to-date number for tax collector (page 23 – unaudited financials)
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