

**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, April 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
James Janek	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox	District Counsel
Frank Savage	Barraco & Associates
Paul Kemp	Irrigation Manager
Doug Kucera	Field Manager
Jim Murphy	PLCA Liaison
Howard Lowe	Resident and Director, Long Lake Village Association Board
Mr. Dale Stepanick	President, Long Lake Village Association
Bob Sontag	Palm Colony Representative
Peter Apostle	Costa Del Sol Representative
Dan Geist	Bonita Sprinkler Service, Inc.
Chip Wiser	Resident
Roger Brown	Resident
Residents	Long Lake Village
Residents	Palm Colony
Residents	Costa Del Sol

FIRST ORDER OF BUSINESS

Call to Order/Pledge of Allegiance

Mr. McAuley 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, Huffman, Janek and Glueck were present, in person, for Bay Creek CDD. Supervisor Pritt was not present. Supervisors Cramer, Hancock, Lienesch, McCarthy and Patterson were present, in person, for Bayside Improvement CDD.

JOINT MEETING ITEMS

THIRD ORDER OF BUSINESS

Staff Report: Engineer

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

Mr. Frank Savage, of Barraco & Associates, recalled discussion, at the last meeting regarding the NPDES 4 permit requirement of a Total Maximum Daily Load (TMDL) prioritization report. He indicated that the Department of Environmental Protection (DEP) reviewed the report and agrees with the assessment and accepted it; no monitoring requirement will be associated with that part of the permit.

Mr. Savage stated that the process of completing the certifications to the South Florida Water Management District (SFWMD) for the environmental resource permit (ERP) applications is in progress. The CDD received correspondence from SFWMD dealing with the conversion of the permit, once certified from construction to operation and maintenance. SFWMD notified the District that some applications are eligible to be converted from construction to operation and maintenance. After reviewing the correspondence, the District Engineer responded to SFWMD informing them that the District is still in the process of clearing the certifications and recommended those be cleared before beginning the conversion process to operation and maintenance. Mr. Savage stated that this approach is more cost effective and there will be less confusion. The response to SFWMD was sent on April 10 and Mr. Savage was hopeful this will clear up the majority of the applications; roughly, a dozen applications with the control structures remain, which are currently out of tolerance.

******Mr. Savage left the meeting.******

- **Field Manager's Report – Doug Kucera**

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

Mr. Kucera reported that the winter annuals were pulled the week of March 26 and soil is being added to the beds in Pelican Landing and Pelican Sound. As a result of the low water levels in the irrigation lakes, the irrigation pumps will be turned off at 4:00 p.m., on Sunday, Monday and Thursday afternoons. Service will be restored each morning following at 8:00 a.m. Summer annuals are scheduled to be planted May 1. The trees, turf and shrubs will be fertilized the week of May 14. In response to a question regarding flower colors, Mr. Kucera indicated apricot, white and another color will be used.

- **Irrigation Manager's Report – Paul Kemp**

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

Mr. Kemp indicated drought conditions persist. He reiterated the strategy outlined by Mr. Kucera regarding the low lake levels and encouraged everyone to adhere to their designated watering days. Residents should water at night, when there is less evaporation. Recent rain has helped recharge the irrigation lakes.

FOURTH ORDER OF BUSINESS**Public Forum**

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

Mr. Howard Lowe, a Long Lake Village resident and member of their Board of Directors, asked the Boards to assist his community with the appearance of Lakes C-1 and C-2. He presented photographs reflecting their concerns. Mr. Lowe acknowledged the current drought conditions; however, his community is concerned about the lack of planting around the lakes, as compared to other nearby lakes, which are lush with plants. Mr. Lowe voiced his understanding that the Long Lake Village lakes previously had more plants, until herbicides were twice sprayed, killing them. Mr. Hancock reviewed the lakes last week, noting the devastation. Mr. Lowe asked the Boards to further review the condition of the lakes and work to bring them on par with similar lakes within the Districts.

Ms. Crismond indicated an extensive lake audit is in progress and she feels the lake was evaluated. She advised that littoral planting occurs every year and lakes needing additional planting are identified. Presuming the lake has already been audited and identified, Ms. Crismond confirmed that it will be replanted. She agreed that replanting is needed. Regarding

spraying, Ms. Crismond reported that the contractor is using many different chemicals and some may have caused damage to the plants. She discussed algae conditions in lakes and the need to treat it.

Mr. Dale Stepanick, President of Long Lake Village Association, stated the concern is not about replanting; rather, the spraying is killing plants. He feels there is a breakdown in communication between those doing the planting and those who are spraying.

Mr. Hancock asked the Boards' permission to conduct a one-time water quality testing of the lake.

In response to a question, Ms. Crismond indicated planting will not take place until the rainy season.

Regarding the low lake levels in Long Lake Village, Mr. Adams reminded the residents that they reside within several hundred feet of the well field; the well field draws water from the top, 30 feet from the surface aquifer. Their close proximity results in the extremely low levels this time of year.

Mr. Bob Sontag, representative for Palm Colony, recalled previous requests to the Boards to address their lake situation. He noted the lakes have been in a steady state of decline for the past four years, with the last two being exceedingly bad. The lake is in worse condition than it was when he appeared before the Boards last year. Mr. Sontag acknowledged that new littorals were planted last summer but virtually none remain on Lake E-1. He voiced frustration that, in spite of the good intentions, the problem is continuing to be attacked in the same manner, meaning the use of chemicals. He feels the lakes are unsightly and devastated, and real estate agents have informed residents that the lake conditions will likely affect their home values. Mr. Sontag stated Palm Colony residents want the CDDs to research other treatment options. Mr. Sontag spoke of various problems related to LakeMasters' treatments, including bad smell and green lake bottom.

In response to a question, Mr. Adams indicated the contractor was on site last week reviewing several of the lakes and will provide a proposal soon. Mr. Sontag indicated he followed Mr. Kurth and the University of Florida (UF) representative on the lake tour and stated he was not encouraged by the UF person's comments; he did not discuss any of the other options that the community would like to see researched.

A Board Member asked Staff to research treatment options, other than chemicals.

Mr. McAuley assured the residents that the Districts will take action on the lakes and will keep them informed of what is being done.

Mr. Patterson commented that he is just as disappointed that the results have not been more successful.

Mr. Janek recalled discussion, at the last meeting, regarding the water quality in the lakes and questioned why they cannot determine why the water is the way it is in this community.

Mr. McCarthy agreed that options, other than chemicals, must be considered. The Districts have tried the chemical route and the problem is the same or worse.

Mr. Hancock stated, after a full year of testing, the hope is to have an expert evaluate the findings. The UF person is an expert.

Mr. Adams indicated Staff will discuss these issues with the experts and research alternatives. Cautioning that the alternatives are far more labor intensive and expensive, Mr. Adams recommended considering alternatives on a localized basis, not widespread throughout the community.

Mr. Chip Wiser, a Palm Colony resident, noted that the Boards are not expected to be scientists or experts on the lake matter and questioned if the Districts have considered contractors other than LakeMasters.

A resident asked if chemical use could cease, for the last few weeks that residents are in the community so they are not subjected to the horrible odors. Mr. McAuley agreed and indicated chemical usage will be cut, for the time being.

Mr. Hancock indicated the lake maintenance contract went to bid about a year ago and LakeMasters was the best bidder, of the five that submitted bids. LakeMasters was given a one-year contract with a second year option. Mr. McCarthy recalled that, during the last bidding process, Staff felt there was only one qualified bidder. Mr. McCarthy noted that several other vendors had suggested different approaches and recommended the Boards be more open to ideas, going forward.

Mr. Sontag suggested the Board research alternatives online, as there are many videos available.

Mr. McAuley instructed residents to email their questions to Mr. Hancock.

FIFTH ORDER OF BUSINESS**Discussion: Request From Costa Del Sol Neighborhood for Increase to Monthly Irrigation Allocation**

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

As he is a member of the Costa Del Sol neighborhood, Mr. McAuley recused himself from leading this portion of the meeting and indicated Mr. Patterson will lead.

Mr. Peter Apostle, on behalf Costa Del Sol, indicated that information was gathered from Bonita Sprinkler Service, Inc., the neighborhood landscaper, the Lee County Extension Agent and the irrigation industry. All agreed that the neighborhood is not receiving enough water, which is what brings him here. Mr. Apostle stated that the neighborhood is not looking to do something during drought conditions but they would like to receive enough so when they must cut back, their lawns are strong enough to withstand the pressure. He assured the Boards that if they receive an increase in the water allotment, they will be cooperative during a drought. The request is for an increase in their allotment, under normal conditions.

Mr. Dan Geist, of Bonita Sprinkler Service, Inc., was available for questions. Mr. Patterson asked him to explain how the measurements were determined. Mr. Geist indicated he first calculated usage by taking a meter reading on Friday and another on Monday and extrapolated the usage, assuming 20 minutes on spray zones and 45 minutes on motor zones. The result was 695 gallons, meaning it exceeded the allocation of 585 gallons. The second calculation method used PX3 software to determine the entire acreage and subtract impervious areas such as driveways, roads, etc. The results revealed that, in order to just water twice per week, without being penalized for going over the limit, would require an increase in allocation above the currently allocated 585 gallons. Both methods confirm the necessity of more water and support the community's request.

Mr. Lienesch asked Mr. Adams if the analysis conducted approximately 20 years ago, when the allocations were originally established, is available. Mr. Adams indicated he is unable to locate the information. At the time, an engineer and a hydrogeologist reviewed the property and soil type, plant material, evaporation rates and consideration of rainfall in calculating the allocation. Mr. Adams explained the different product types within the Districts and how the allocations were determined. Mr. Adams noted that the allocation is not meant to cover every month of the year; there may not be enough water allocated during the driest part of the year but

low usage times of the year will result in lower usage. He explained that, unfortunately, lower usage in some months cannot offset higher usage in dry months.

Mr. Adams indicated he had difficulty qualifying the way Bonita Sprinkler Service, Inc., calculated the square footage so he looked at traditional usage. He researched the frequency of overages over recent years, which was seven times over a period of six years, typically in May or June. From a usage perspective and the infrequency of the overages, Mr. Adams indicated he sees nothing necessitating an increase to Costa Del Sol's allocation. He suggested the community investigate strategies to best utilize their allocated water. Mr. Adams explained that the community is not in a position to ask for a variance, as it could not answer certain questions in the way they must be answered, in order to qualify.

Mr. Cox concurred this matter is not right for consideration of a variance; however, he raised the question of whether the multi-family methodology stands the test of reality, as the allocations were calculated prior to construction. Mr. Adams discussed the formulas used.

Mr. Apostle pointed out that, contrary to Mr. Adams' comment about the overages only being about three times the regular rates, the costs, at those times, have been a minimum of eight to ten times the regular rate. Mr. Apostle contended that it is a 1,000% increase; he would be happy if it was only three times a normal bill. Mr. Apostle recalled Mr. Adams' comment about the small number of times the community had overages. He noted that they are monitoring usage so they do not go over; they are not using the water they really need, they are going without. Residents are not receiving enough water to maintain their lawns. Mr. Apostle indicated the average bill is \$75 per month but if someone goes over by just a little, the bill increases to approximately \$1,500 for the month, which he finds extreme.

Mr. Adams reviewed water bills for previous months and noted large fluctuations from month to month. Mr. Apostle stated any overages were likely accidental and, if one looks at the difference in the actual usage, the difference is very little from month-to-month. Referring to his previous suggestion that the community investigate strategies to prevent these types of overages, Mr. Apostle asked Mr. Adams to provide his recommendations in writing. Mr. Adams stated it would be better for the Districts' water manager to meet with Costa Del Sol's onsite manager. In response to Mr. Adams' question, it was stated that there are two controllers; each unit does not have its own clock.

Mr. Glueck questioned the calculations presented as evidence, which indicate that a 50% increase in allocation is needed and wondered how it could be off by that much. Mr. Apostle indicated that is why they brought this to the Board; if the difference was 10%, they would not have bothered. Mr. Apostle stated the investigation did not cover all of Pelican Landing; his concern relates to Costa Del Sol. When the results showed that a 50% increase in the allocation was necessary, it raised a red flag.

Discussion ensued regarding certain areas on the drawings that may be unique to Costa Del Sol.

In response to a question about watering practices, Mr. Geist confirmed there are no bubblers and discussed the limitations related to the multi-family areas; results are results. Based on Mr. Adams' and the Boards' comments today, Mr. Geist summarized that this neighborhood should not expect to have good looking turf, as it requires more water than they can have, or they should succumb to the fact that they will have excessive water bills during the dry season. Mr. Geist noted that, if the original allocation, 20 years ago, figured 56 inches of rain per year, the problem with the calculation is that 95% of that amount comes during four months of the year. Mr. Adams acknowledged Mr. Geist's comments about the rain and confirmed the allocation does not take into consideration the ability to utilize the other portion of the water, the other eight months of the year; it does not allow for it.

Mr. Peter Apostle stated everyone has specified days and hours to water and questioned how someone can increase their usage; he asked them if they are cheating. Mr. Geist indicated they are currently watering for only ten minutes.

A Board Member asked if the complaints are primarily related to turf. Mr. Geist replied affirmatively, acknowledging that certain plants are less drought tolerant but, when he sees well established plants and landscape stressing, there is cause for concern. Mr. Geist estimated the landscape is currently 90% dry spots versus 10% good. Mr. Lienesch suggested installing smaller nozzles in the beds and running the turf irrigation longer, as well as putting less water in the beds and more on the grass.

Mr. Patterson noted no Board Members appear to be in favor of the request.

SIXTH ORDER OF BUSINESS**Discussion: Water Quality Rules**

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

Mr. McAuley asked Mr. Cox to discuss the Water Quality Rules.

Mr. Cox indicated that the rules that were adopted do not apply to South Florida. He discussed the evolution of the Clean Water Act, which obligates designation of uses for water bodies within their jurisdiction and the criteria for maintaining the water quality based on the use designation. Mr. Cox indicated Florida has five water classes, with Class 1 being drinking water; Class 2 relates to shellfish, wildlife and fish; Class 3 is recreational; Class 4 is agricultural; and Class 5 is industrial and all others. He explained that no upstream activities are allowed that degrade a Class 2 water body to Class 3, and so on. Historically, it was implemented such that the nutrient concentrations of the water body must not be altered to cause an imbalance in natural populations of aquatic flora and fauna.

Mr. Cox explained that lawsuits over the past 17 years challenged the water quality regulations, which brings the issue to its current state. The new rules specifically say that, for the South Florida region, the narrative criteria he just read continues to apply. This is because South Florida is unique, compared to the remainder of the state. Mr. Cox noted that the only place in South Florida where the nutrient thresholds apply is in the Everglades. He indicated he spoke with Mr. Barraco last week and was informed that staff level work is being done in preparation for beginning the rule development process. Mr. Cox feels a rule will eventually be developed but, until then, South Florida will still operate under the narrative requirements. In response to Mr. Patterson's question, Mr. Cox agreed that the Districts' NPDES report will stay the same.

Mr. Cox indicated Spring Creek is designated as an unimpaired water body so total maximum daily loads (TMDLs) have not been established and will not be until a determination that it is impaired. In response to Mr. Lienesch's question, Mr. Cox felt Spring Creek is a Class 3 water body.

Mr. Patterson recalled that WCI made representations to Lee County in order to change the DRI and requested to discontinue all water measurements being made through Spring Creek and around the Bay, because they were initially requested on the assumption that creating Pelican Landing and the golf courses would cause deterioration of the water. Mr. Patterson felt Lee County did not approve the request. Mr. Cox agreed, stating he informed Lee County that the Districts would not take on the monitoring requirements, meaning WCI would have to do it, if the county continued to require it. The county's response was that the results were

consistently within the allowed parameters so, after a certain number of additional monitoring events without changes, they would allow discontinuation of the monitoring.

SEVENTH ORDER OF BUSINESS

Lake Maintenance Activities Report - Bill Kurth

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

There being no report, the next item followed.

EIGHTH ORDER OF BUSINESS

**Results of Water Quality Testing – March
(to be provided at meeting)**

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

Mr. McAuley indicated that the Board received the water quality testing results for both February and March at the last meeting. April's results will be provided at the next meeting.

NINTH ORDER OF BUSINESS

**Authorization for Staff to Conduct RFQ
for Annual Audit Services**

- **Bayside Improvement**
- **Bay Creek**

Mr. Adams confirmed the current contract includes the audit for Fiscal Year 2012; therefore, this item will be addressed next year.

Mr. Patterson recalled his question, at the last meeting, regarding the audit expense line item, on the financials, showing 140%. Mr. Adams indicated that, during last year's budget discussions, the line item was reduced because the year-to-date audit figures appeared significantly lower than budgeted. He advised that the figures considered were only partial payments and, once the full amounts were billed and paid, it resulted in a shortfall in the current budget. Mr. Adams indicated the auditor reduced their fee but could not reduce it to match the Districts' lower budgeted figure.

TENTH ORDER OF BUSINESS

**Notice of General Election – November 6,
2012**

Mr. Adams indicated this item is a formality during an election year. The seats and candidate-qualifying period must be announced and advertised, along with placing the candidates on the general election ballot.

- **Seats**

- **Bayside Improvement: Seats 1, 3 & 5**

For Bayside Improvement, Ms. Crismond indicated that Seat 1, currently held by Mr. Lienesch; Seat 3, held by Mr. McCarthy and Seat 5, held by Mr. Patterson, are up for election.

- **Bay Creek: Seats 1 & 3**

For Bay Creek, Ms. Crismond indicated that Seat 1, currently held by Mr. McAuley and Seat 3, held by Mr. Janek, are up for election.

- **Candidate Qualifying Dates**

- **Noon, Monday, June 4, 2012 through Noon, Friday, June 8, 2012**

- **Pre-Qualifying Begins on May 21, 2012**

Mr. Adams noted the candidate qualifying dates and pre-qualifying period.

- **Consideration of Resolutions Placing Special District Candidates on General Election Ballot**

- **Resolution 2012-7 (*Bayside Improvement*)**

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Patterson, with all in favor, Resolution 2012-7, Placing Special District Candidates on General Election Ballot, was adopted.

- **Resolution 2012-6 (*Bay Creek*)**

On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Huffman, with all in favor, Resolution 2012-6, Placing Special District Candidates on General Election Ballot, was adopted.

Mr. Adams confirmed that sitting Supervisors must qualify and all candidates must be qualified electors residing within their particular district. Mr. Patterson noted that many residents vote “up north” and questioned what is meant by candidates must be qualified

residents. Ms. Crismond indicated, and Mr. Adams agreed, that those part-time residents do not qualify as candidates to run for open seats and cannot vote in the election of those seats, if they are registered voters elsewhere.

Mr. Cox recommended referring any questions regarding registered voters and qualified candidates to the Supervisor of Elections office. Brief discussion ensued regarding the number of registered voters in each District.

ELEVENTH ORDER OF BUSINESS

Update: Water Quality Analysis Proposal from University of Florida

Mr. Adams indicated this matter is still in progress. This item was tabled.

TWELFTH ORDER OF BUSINESS

Update: Potential Refinancing Activities

Mr. Adams reported that he has not heard from Wells Fargo. He has another banker to contact. Mr. McAuley indicated this item will remain on the next agenda.

THIRTEENTH ORDER OF BUSINESS

Discussion/Consideration: Newsletter Proposal

Mr. Adams presented a proposal from AboveWater Public Relations & Marketing for preparation of an email newsletter. He reviewed the scope of service and noted that this is the same company who produces The Brooks' newsletter; he concluded that they are very happy with the product.

Mr. Adams indicated this is a much more cost-effective option, as the costs of paper, printing and postage come out of the equation. He reviewed the proposed costs, including a one-time initial setup fee of \$1,800.

Discussion ensued regarding frequency of newsletters and email issues. Mr. Adams indicated the newsletter would be sent to the association for distribution through their preapproved database. Due to public records issues, the District does not want to maintain that type of database. Mr. McAuley questioned why an outside company must be hired. Mr. Adams acknowledged that it could be produced in-house; however, the idea was to have a very professional product. Mr. Adams felt this approach is money well spent. Mr. McAuley asked why there is only one proposal. Mr. Adams indicated he just went through this exercise at The

Brooks and the other proposals were two to three times as much and AboveWater provided a much better product for a far lower cost. Mr. McAuley voiced his opinion that the Boards' policy is to review several proposals. Mr. Adams pointed out that this is a \$2,300 item, on a \$3 million budget.

Discussion ensued regarding when to publish the newsletter, content, dissemination and the Districts' website.

On MOTION for Bay Creek by Mr. Huffman and seconded by Mr. Janek, with all in favor, AboveWater Public Relations & Marketing's proposal, including an initial \$1,800 setup fee, and publishing an email newsletter two or three times, per year, was approved.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Lienesch, with all in favor, AboveWater Public Relations & Marketing's proposal, including an initial \$1,800 setup fee, and publishing an email newsletter two or three times, per year, was approved.

FOURTEENTH ORDER OF BUSINESS

Approval of March 26, 2012 Joint Regular Meeting Minutes

Mr. McAuley presented the March 26, 2012 Joint Regular Meeting minutes and asked for any additions, corrections or deletions. The following changes were made:

Line 62: Delete "there"

Line 79: Change "the developer" to "WCI"

Line 116: Insert "Palm Colony" after "Mr. Bob Sontag,"

Line 138: Insert "liquid fertilizer in" after "run"

Line 404: Replace "_____" with "Connection Fee"

Line 483: Change "appoint" to "stop the project. In turn, they appointed"

The Board discussed the status of the "ACTION/AGENDA ITEMS" on Pages 17 and 18. Items 1, 3, 4, 5, 6, 11, and 18 should remain on the list. Item 2 should remain but state "Mr. McCarthy to look in county files to see if there is a plan that corresponds to what Mr. Barraco

has". Items 7, 9, 10, 12, 13, 14, 15, 16 and 17 are completed and can be removed from the next list.

Brief discussion ensued regarding the condition of the light posts.

Regarding Item 11, Mr. Cox indicated that the lawyers are waiting on the Boards for a decision. Mr. Adams recommended the Boards determine what they want to do and then Mr. Cox can draft an agreement. Supervisor Patterson recalled the Boards agreeing, by motion, to take responsibility of culverts. Mr. Murphy indicated every culvert must be treated the same, in order to be fair to all.

Mr. Adams detailed the areas for which the Districts would assume maintenance responsibilities. This item will be considered at a future meeting but not at the next.

On MOTION for Bay Creek by Mr. Huffman and seconded by Mr. Glueck, with all in favor, authorizing Staff to prepare documents to place the Districts in a position to manage the catch basins and culverts, along the major arterial roads and within those parcels for which the PLCA is currently responsible, including the Community Center parking lot, any other parks and the tennis center, was approved.

On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Hancock, with all in favor, authorizing Staff to prepare documents to place the Districts in a position to manage the catch basins and culverts, along the major arterial roads and within those parcels for which the PLCA is currently responsible, including the Community Center parking lot, any other parks and the tennis center, was approved.

The Board asked that Item 14 remain on the list but determined that Item 18 should remain and Item 14 should be removed.

Mr. Lienesch referred to Lines 362 through 366 of the minutes and asked Mr. Adams if a landscape architect reviewed the gates. Mr. Adams replied affirmatively. The architect will be engaged to prepare a plan similar to the Central entrance.

On MOTION for Bay Creek by Mr. Huffman and seconded by Mr. Janek, with all in favor, the March 26, 2012 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Lienesch, with all in favor, March 26, 2012 Joint Regular Meeting Minutes, as amended, were approved.

FIFTEENTH ORDER OF BUSINESS

Old Business

Ms. Crismond presented the JRL Design Studios proposal for \$4,800 for landscape architectural services for the Central entrance. Mr. Adams indicated this scope of services is exactly the same as what was used for the back of Greenview Drive. Mr. Adams specified that the area and planting plan is from the gate but does not go inside the property. Mr. Adams advised that Staff was asked to work on the entrances; however, the Boards can decide to expand the scope of work to within the communities.

In response to a question, Mr. Adams indicated the preliminary enhancement and final planting plan are sketches that show existing conditions and proposed replacements. Ms. Crismond confirmed that they are discussing the area from US 41 to the Central Gate. Mr. Adams recommended considering a replacement plan, as conditions are changing and plants are not performing as well in their original settings, due to denser tree canopies resulting in less sunlight, etc. Mr. Lienesch noted several complaints from the Garden Club regarding the appearance of the monument signs at the entrances.

Mr. Cramer recalled his comments, at the last meeting, regarding resident observations regarding an abyss after the security gate, which is a security and traffic concern because of lighting. Mr. Cramer requested the Boards consider up lighting so the walkway is visible, along with installation of security lighting. Mr. Adams indicated landscape lighting is a different matter and landscape lighting, with the addition of a security lighting element, is also entirely different. Mr. Adams advised that a lighting engineer would need to evaluate the area. Discussion ensued regarding lighting and security cameras in the area.

Mr. Lienesch indicated the Garden Club feels they could address the entire area for approximately \$5,000. Mr. McCarthy felt \$4,800 is too high for the services proposed; he requested additional proposals. It was noted that the intent was to engage the original architect,

to maintain the overall appearance, as designed. Mr. Patterson agreed on the intention but opined that the residents are not happy with what is in place; therefore, it does not make sense to ask the same person who designed it. In response to Mr. Patterson's comment, Mr. Adams reminded the Boards that this is not an enhancement proposal, it is for replacement. Whether the community is happy with what is currently in place, the Boards agreed to it; it was installed and now there are portions that are deteriorating, which must be replaced. Mr. Adams clarified this is not an enhancement to improve upon what was originally installed but to replace what is now deteriorating. Mr. Patterson felt that reason supports the need to obtain more proposals. Mr. Patterson voiced his concern regarding Article 1.5, on Page 3, which contains a limitation about use of the design plans. Mr. Adams indicated the plans could be used throughout Pelican Landing. Mr. Patterson pointed out that the statement says "solely for the construction and use of the Project identified above" and stated that Page 1 identifies the project as "Pelican Landing - Central Entrance". Mr. Adams and Ms. Crismond advised that they would not be concerned about that statement; however, Mr. Adams assured Mr. Patterson that his interpretation is not the architect's intent and that he could seek clarification.

On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Huffman, with Mr. Janek in favor and Mr. McAuley dissenting, the JRL Design Studios proposal for landscape architectural services for the Central entrance, in an amount not-to-exceed \$4,800, was approved. (Motion passed 3-1)

On MOTION for Bayside Improvement by Mr. Hancock and seconded by Mr. Cramer, with all opposed, the JRL Design Studios proposal for landscape architectural services for the Central entrance, in an amount not-to-exceed \$4,800, was not approved. (Motion failed 0-5)

Mr. Lienesch felt that additional bids should be obtained. Mr. Adams indicated other bids can be obtained; however, on a \$5,000 item, he feels they will not be any lower. JRL Design offers project experience, with no learning curve; they do not need to spend excessive amounts of time researching the project. Additionally, Mr. Adams cautioned against involving a committee in this project; if it will be done, a professional should do it.

The Board directed Mr. Adams to obtain additional quotes.

SIXTEENTH ORDER OF BUSINESS

New Business

a. Action Items

The action items were discussed during the Fourteenth Order of Business.

Mr. Glueck recalled a committee to address the roll docks. He indicated that, upon a recommendation, the sign was moved closer to the road; however, the sign does not meet the communities' design standards. He asked the Boards to consider replacing the sign and renaming the dock to "Bay Creek Fishing Docks". As this request involves an expenditure, Mr. Patterson asked that it be included as an agenda item at the next meeting. Mr. Glueck suggested naming it "Bay Creek Docks". Mr. Jim Murphy, PLCA Liaison, indicated the purpose of including the word "fishing" is that it lends the fishing part to those docks, for future use.

Mr. Huffman advised that he will be absent from the May meeting.

SEVENTEENTH ORDER OF BUSINESS

Staff Reports

a. Attorney

There being no report, the next item followed.

b. Manager

i. Unaudited Financial Statements as of March 30, 2012

Mr. Adams presented the Unaudited Financial Statements as of March 30, 2012.

ii. Savings & Money Market Account/Investment Snapshot as of 4/16/12

This item was included for informational purposes.

iii. Irrigation High User Report

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

*****This item was discussed after the Operations Report.*****

This item was included for informational purposes. It was noted that the number of high users seems to be going down. Mr. Hancock asked if there would be any savings by reducing the report criteria, such as reporting amounts over \$99.

Mr. Patterson asked what quantity of water would be saved by shutting it off on non-watering evenings. Mr. Adams indicated there is a lot of water usage on non-watering days, although he does not know if it is on purpose or people just not knowing, and confirmed it could be turned off.

iv. NEXT MEETING DATE: May 21, 2012 at 2:00 P.M.

The next meeting is scheduled for May 21, 2012.

v. Operations Report (to be provided and presented at meeting)

Ms. Crismond distributed her report. She noted that the lamppost project will commence April 23.

EIGHTEENTH ORDER OF BUSINESS

**Audience
Request**

Comments/Supervisors'

Mr. Lienesch and Mr. McCarthy indicated they will call in to the May meeting. Mr. Hancock mentioned he will not attend the August meeting.

Mr. Roger Brown, a resident, discussed security concerns near the main gate and pump station, noted a recent burglary and asked what is being done. Mr. McAuley advised that this is a PLCA issue and should be addressed with Mr. Murphy.

NINETEENTH ORDER OF BUSINESS

Adjournment

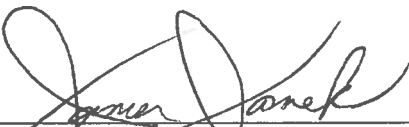
There being no further business, the meeting adjourned at 4:32 p.m.

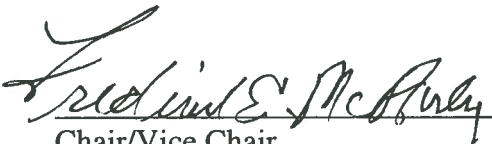
FOR BAYSIDE IMPROVEMENT:


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 ITEM:** Mr. McCarthy to look in county files to see if there is a plan that corresponds to what Mr. Barraco has
3. **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 plans in SFWMD's files
4. **ACTION ITEM:** Mr. Kurth to follow up on grass carp permitting
5. **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.
6. **ACTION ITEM:** Mr. Barraco to provide the status of certifications.
7. **AGENDA ITEM:** Mr. Adams to obtain a proposal from the experts at UF & possibly FGCU
8. **ACTION/AGENDA ITEM:** District Counsel to draft an agreement between the Districts and the PLCA for the operation and maintenance of the catch basins for the common roads and present to the Board for review
9. **ACTION ITEM:** Obtain supply list for annual plants and flowers from flower growers
10. **ACTION ITEM:** Mr. Adams to draft letter to the communities outlining the flower program, discussing the change over and the cost, the allocation of water and the fact that the Districts will assume that cost, as well as the flower beds, in their existing condition, and reserve the right to augment them, as appropriate
11. **AGENDA ITEM:** Lake Maintenance Activities Report – Bill Kurth
12. **AGENDA ITEM:** Results of Water Quality Testing – April (present April results at May meeting)
13. **AGENDA ITEM:** Update: Water Quality Analysis Proposal from University of Florida
14. **AGENDA ITEM:** Update: Potential Refinancing Activities
15. **ACTION ITEM:** Staff to obtain treatment options, other than chemicals, for presentation at a future meeting
16. **ACTION ITEM:** Lake E-3 – Mechanical treatment only, no chemicals

17. **ACTION ITEM:** Lake & Wetland contract must come back to the Board for second year option
18. **ACTION ITEM:** Costa Del Sol – Paul Kemp to meet on site with Dan Giese to review irrigation matters
19. **ACTION ITEM:** The Ridge – Mr. Adams to have Bekon Products maintain or order two extra _____ for inventory
20. **ACTION ITEM:** Obtain a quote to repaint decorative post at The Ridge (total of ten)
21. **ACTION ITEM:** Obtain additional quotes for landscape architectural services and design
22. **AGENDA ITEM:** Consider expenditure for new signage at Row Dock and changing name to “Bay Creek Fishing Dock”