

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

Joint Public Hearings and a Joint Regular Meeting of the Boards of Supervisors of the Bayside Improvement Community Development District and Bay Creek Community Development District were held on **Wednesday, August 29, 2012 at 2:00 p.m.**, at the **Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134.**

**\*\*\*DUE TO TROPICAL STORM ISAAC AND CLOSURE OF THE MEETING LOCATION ON MONDAY, AUGUST 27, 2012, JOINT PUBLIC HEARINGS AND THE JOINT REGULAR MEETING WERE HELD ON WEDNESDAY, AUGUST 29, 2012.\*\*\***

**For Bayside Improvement CDD:**

|                                 |                     |
|---------------------------------|---------------------|
| James Patterson                 | Chair               |
| Walter McCarthy (via telephone) | Vice Chair          |
| Jack Lienesch                   | Assistant Secretary |
| Bernie Cramer                   | Assistant Secretary |

**For Bay Creek CDD:**

|                             |                     |
|-----------------------------|---------------------|
| Frederick McAuley           | Chair               |
| Nelson Glueck               | Vice Chair          |
| James Janek (via telephone) | Assistant Secretary |
| Keith Huffman               | Assistant Secretary |

**Also present were:**

|                         |                              |
|-------------------------|------------------------------|
| Chuck Adams             | District Manager             |
| Cleo Crismond           | Assistant Regional Manager   |
| Dan Cox (via telephone) | District Counsel             |
| Wes Kayne               | Barraco & Associates         |
| Dennis Anderson         | Resident                     |
| Frank Toner             | Privacy Advisory Co-Chairman |
| Mrs. Chevelet           | Resident – Costa Del Sol     |

**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 Patterson, Lienesch and Cramer were present, in person, for Bayside Improvement CDD. Supervisors McCarthy and Hancock were not present at roll call. Supervisors McAuley, Glueck and Huffman were present, in person, for Bay Creek CDD. Supervisor Janek was attending via telephone. Supervisor Pritt was not present.

**\*\*\*Mr. McCarthy joined the meeting telephonically.\*\*\***

**THIRD ORDER OF BUSINESS**

**Public Forum**

Mr. Patterson asked if any members of the public wished to address items on the agenda. There being no public comments, the next item followed.

**JOINT MEETING ITEMS**

**FOURTH ORDER OF BUSINESS**

**Affidavits of Publication for August 27, 2012 Public Hearings and Regular Meeting**

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

Mr. Patterson referred to the proofs of publication for the Public Hearings and Regular Meeting, located behind Tab 5.

**FIFTH ORDER OF BUSINESS**

**Public Hearing to Consider Resolutions Adopting the Final Budget(s) for Fiscal Year 2013, Pursuant to Florida Law**

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

- **Resolution 2012-9, Bayside Improvement Community Development District**
- **Resolution 2012-8, Bay Creek Community Development District**

**\*\*\*Mr. Patterson opened the Public Hearing.\*\*\***

Mr. Adams discussed the budget revisions that were not included in the agenda package. Referring to a handout, he stated that the revisions were related to an increase in assessable units pertaining to a parcel in The Colony, called Terzetto, which is being developed in two phases. He indicated that Terzetto Phase 1 will increase to 30 units, 15 units over the prior number of assessable units for that parcel. Terzetto Phase 2 is 39 units, which is an increase of 22 units over the prior number of assessable units assigned to that parcel; therefore, 37 units were added

to the assessable unit count. Mr. Adams explained that Terzetto Phase 1 is currently being developed and becomes part of the full assessment program immediately; Terzetto Phase 2 is a future development and is only receiving partial assessments.

**\*\*\*Mr. Cox joined the meeting telephonically.\*\*\***

Mr. Adams referred to Page 3 of the revised budget and indicated that, with the increase in the number of assessable units, the per unit assessment decreased further than originally anticipated. As a result, the Common & Administration assessment for Fiscal Year 2013 is projected at \$242.95, with the full assessment amount at \$421.10. Mr. Adams noted that the greatest change occurred in the General Fund 002 assessment, located on Page 15 of the revised budget, which decreased from \$498.60 to \$484.07.

Mr. Patterson asked for audience comments relative to the proposed budget. There being none, he asked for comments from the Board Members.

Mr. McCarthy recalled his suggestion, at the Budget Workshop, to charge the Bayside Improvement CDD Supervisor fees to the Bayside Improvement accounts and the Bay Creek CDD Supervisor fees to the Bay Creek accounts. Mr. Adams indicated it was his understanding that the intent was to not make any changes, at this point. Mr. Glueck and Mr. Patterson concurred. Mr. Adams indicated that the discussion will be revisited at a later date.

A resident asked if the new adjusted assessment includes the enterprise fund assessment. Mr. Adams clarified that the \$484.07 assessment is for General Fund 002, only.

Mr. Lienesch discussed the increase in the Enterprise Fund, noting that, under Water Management Services, four items differ from last year, based upon contractual services for wetlands, testing, culverts and drains. Mr. Adams recalled that, several years ago, the Boards decided to share those costs with the irrigation fund because of the impact to water quality.

Mr. McCarthy commented that, during his five-year term on the Board, the General Fund budget assessment increased about \$30, or 7½%. He indicated that those increases were in two major categories: lake management, for the chemical treatment of the lakes, and the 2013 projected budget amount for catch basin cleanout. Mr. McCarthy stated that, as Supervisors, they should be proud of their physical accomplishments over the last five years; however, there are many other issues to address quickly in order to keep the level of service where it should be.

**\*\*\*Mr. Patterson closed the Public Hearing.\*\*\***

**On MOTION for Bayside Improvement by Mr. Lienesch and seconded by Mr. Cramer, with all in favor, Resolution 2012-9, Adopting the Final Budget for Fiscal Year 2013, was adopted.**

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Huffman, with all in favor, Resolution 2012-8, Adopting the Final Budget for Fiscal Year 2013, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Public Hearing to Consider Resolutions Imposing Special Assessments to Fund the Districts' Proposed Budget(s) for Fiscal Year 2012-2013; Certifying an Assessment Roll; Providing for the Collection and Enforcement of Special Assessments; Providing for Amendment of the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

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

- **Resolution 2012-10, Bayside Improvement Community Development District**
- **Resolution 2012-9, Bay Creek Community Development District**

Mr. Adams presented the levying resolutions, which direct Staff to finalize and certify the lien rolls and to proceed with their submittal to the tax collector in order to collect the revenues necessary to offset the adopted budget.

*\*\*\*Mr. Patterson opened the Public Hearing.\*\*\**

There were no audience comments. Mr. Patterson asked for comments from the Board. Mr. Glueck asked the percentage increase of the special assessment. Mr. Adams stated that they are over the prior year assessments, on General Funds 001 and 101, by about \$7.50, or 3.2%.

*\*\*\*Mr. Patterson closed the Public Hearing.\*\*\**

**On MOTION for Bayside Improvement by Mr. Lienesch and seconded by Mr. Cramer, with all in favor, Resolution 2012-10, Imposing Special Assessments to Fund the Districts' Proposed Budget(s) for Fiscal Year 2012-2013; Certifying an Assessment Roll; Providing for the Collection and Enforcement of Special Assessments; Providing for Amendment of the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Huffman, with all in favor, Resolution 2012-9, Imposing Special Assessments to Fund the Districts' Proposed Budget(s) for Fiscal Year 2012-2013; Certifying an Assessment Roll; Providing for the Collection and Enforcement of Special Assessments; Providing for Amendment of the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS****Staff Reports: Engineer**

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

- **Consideration of NPDES SOPs**

Mr. Patterson indicated the Boards' intent to adopt the NPDES Standard Operating Procedures (SOPs) as their procedures for surface water management.

Mr. McCarthy asked if the adoption of the procedures could be deferred to the next meeting. Mr. Adams indicated that, under the new permit, they must be adopted prior to September 12, 2012.

Mr. McCarthy pointed out the repetition, in each of the categories, regarding the repair of erosion where it occurs next to structures. Mr. McCarthy felt that the Districts were indicating that they would be performing repairs, in most instances, on property they do not own and do not have the authority to do so, as the structures are primarily located at lake edges, which are above the wet season water table. Mr. Adams explained that, when there are withdrawals and the water table goes down during the dry season, the lakes are subject to erosion below the control elevation. Mr. Adams stressed that the SOPs do not pertain to repairs on private property up from the control elevation.

Mr. Wes Kayne, of Barraco and Associates, explained that Bayside Improvement and Bay Creek CDDs are piggybacked on the Lee County MS4 permit. Over a certain amount of time, at certain intervals, the CDDs are responsible for inspecting and maintaining any CDD-owned infrastructure, property or lake that has a drainage conveyance on it. For anything outside of the CDD's control, such as an illicit discharge, the District is only responsible for reporting it to the county.

Mr. Patterson asked if the SOPs will be part of the NPDES report next year. Mr. Kayne explained that the SOPs are part of the permit itself, basically outlining the CDDs' responsibilities, what should be inspected and how, as well as the documentation of the recorded

information. Mr. Adams indicated that the SOPs will be an attachment to the interlocal agreement.

Mr. Kayne noted that there are certain items that the county has agreed to do on behalf of the Districts, such as training and education.

Mr. McAuley asked if there was anything in the SOPs that is not currently being done. Mr. Adams advised that construction site inspections are not being completed. In preparation for the inspections, Mr. Kucera attended a Stormwater Erosion Certification Program, a year or two ago, qualifying him to fulfill that obligation on site. Mr. Adams clarified that there is no financial responsibility, in the SOPs, which is not already part of the permit and no additional responsibilities were being added.

Mr. Patterson noted that “canal” is a euphemism for tributary and stated he was only aware of one tributary in Spring Creek. Mr. Adams indicated that the agencies spent a lot of time ensuring that the definitions were better defined to better apply them to the facilities, eliminating any questions from the inspectors regarding their inventory.

Mr. Cramer asked if the SOPs were in any of the documentation previously received by the Boards. Mr. Adams advised that it is a new document and all of the CDDs involved in the NPDES Program, along with their attorneys and engineers, worked collectively; this is the byproduct. Mr. Cramer expressed his opinion that an SOP, in an organization such as a CDD, was absolutely necessary. He inquired about the ramifications of an illicit discharge infraction. Mr. Kayne stated if that discharge is an easy fix and is not a continuing issue, it should be on record. If the violation continually occurs or the CDDs feel it is out of their jurisdiction, they may call the county’s Natural Resources Division, to handle it. The county has the option of writing a citation. Mr. Cramer felt that the best way to handle a violation is with a “good neighbor” policy, asking the responsible party to correct the situation.

Mr. Lienesch pointed out that an extra \$30,000 was budgeted in Fiscal Year 2013 for inspection of the drains into the lakes, from the streets. He asked how the 10% of the total linear feet of stormwater conveyance is correlated against the budget plan. Mr. Adams indicated that it is covered.

Mr. Lienesch inquired about the difference between a dry detention pond and a dry retention pond. Mr. Kayne advised that they are essentially the same but the structure will be slightly different. There are usually control structures associated with detention and retention. Detentions have a hole at control elevation to allow it to bleed off at a given rate as water comes

in. Retention is more evaporation and infiltration into the ground, until a certain elevation is reached, at which it tops the entire structure.

Mr. Lienesch asked about the number of lakes listed on Page 12. Mr. Kayne indicated that the number of lakes was obtained from a map on his firm’s computer drive. Ms. Crismond stated that the number is incorrect. Mr. Kayne was asked to confirm.

With regard to street sweeping, Mr. Adams explained that the Districts will continue with street sweeping, as is; however, they have the ability to terminate without an effect on the SOPs, as there are no publicly owned streets.

There being no further discussion, Mr. Patterson requested motions approving the NPDES SOPs.

**On MOTION for Bayside Improvement by Mr. Lienesch and seconded by Mr. Cramer, with all in favor, the NPDES Standard Operating Procedures (SOPs) were approved.**

**On MOTION for Bay Creek by Mr. McAuley and seconded by Mr. Huffman, with all in favor, the NPDES Standard Operating Procedures (SOPs) were approved.**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Proposal to “Reset”  
Lake E-1**

- **Results of Water and Soil Testing**

Mr. Adams asked the Boards to defer Items 8 and 10. In response to a question from Mr. McAuley, Mr. Adams stated that the results were received. Nothing was found in the soil around the dry retention area on the golf course maintenance site. The water sample from the catch basin on Gold Crest, at the entrance to Palm Colony, that receives the water under the road from golf course maintenance and puts it into Lake E-1, shows about ten times what is considered to be a normal phosphorus rate in Bayside. He observed that it seemed to be greater in the catch basin than in Lake E-1. Mr. Adams suggested installing Phoslock in the basin. He noted that, while driving the golf course, Mr. Hancock noted a white pipe coming off the golf course and directly discharging into Lake E-1 that may result in a direct intrusion of phosphorus.

With regard to Lake E-1, Mr. Adams stated that the lake level is up, the submersed aquatics continue to be gone and it looks very good. The 10,000 plants are doing well and seem

to be thriving. Mr. Adams noted that the Boards may wish to consider adding triploid grass carp and tilapia to the lake.

With regard to Item 10, Mr. Adams stated that he received the water quality testing results at the same time as the soil sample results specific to Lake E-1, which included the tennis courts. There were no major issues with the water quality coming from the tennis courts.

**NINTH ORDER OF BUSINESS**

**Lake Maintenance Activities Report –  
*LakeMasters/Management***

Mr. Adams advised that no report was received. The next item followed.

**TENTH ORDER OF BUSINESS**

**Results of Water Quality Testing – July  
*(to be provided under separate cover)***

This item was deferred.

**ELEVENTH ORDER OF BUSINESS**

**Continued Discussion: Water Quality  
Analysis *(to be provided under separate  
cover)***

Mr. Adams reported that, several days ago, Dr. Serge Thomas, of Florida Gulf Coast University (FGCU), requested additional information regarding historical issues with some of the lakes, as well as interconnect information, in order to finalize his proposal. Mr. Adams hoped Dr. Thomas would be present at the September meeting.

Mr. Cramer reported that he has been working with the residents of Palm Colony. One of the residents was present to make a statement about Lake E-2, as well as Lake E-1.

Mr. Dennis Anderson, a resident, stated that he was on his lanai the last time there was a heavy rain and, after about 15 minutes of heavy rainfall, a tremendous water surge entered the east end of the lake. The surge was murky green and very different from the regular water being pushed forward. Mr. Anderson advised that, as the surge was coming into the lake, styrofoam cups and debris were being pushed, along with fish that began to collect, along the edge, as the surge approached.

The next day, during another rainfall, Mr. Anderson observed green water at the sewers, as well as the parking lot of the tennis center. He walked to the end of one of the parking lots where there is a large dumpster. Next to the dumpster was a large, pyramid shaped pile about



three feet by two feet by two feet. In the rain, the material began to break down and flow across the parking lot to another sewer about 20 feet away from the dumpster. At the other end of the parking lot was a trench. The residue from the tennis courts ran down the edges of the courts, into the trench, the parking lot and the sewer. Mr. Anderson indicated that this has been occurring for at least a year. He explained that the clay composite materials used to build the tennis courts is now flowing into the retention pond. Mr. Anderson indicated that he tied a can to an extension pole and scraped it along the bottom of the lake and all of the residue in the can was green.

Mr. Anderson stated that clay composite materials are all basically similar. They are made up of clay, ground bricks and stone, plastic and plasticizers, dye and other materials to inhibit the possibility of vegetation. He pointed out that all of the lakes are tied together to handle overflow. The combination of the copper sulfates that were added to the lakes with these materials is creating an unsolvable problem that will only continue. Mr. Adams expressed his appreciation to Mr. Anderson for sharing this information and noted that the source will be located and advised to cease and desist.

Mr. Glueck stated that he will bring this problem to Mr. Murphy's attention this week.

Mr. Adams indicated that this will be a follow-up item for the next agenda.

Mr. Huffman asked if deterioration was noted in the quality of the wetlands coming out of E-3. Mr. Adams indicated there were absolutely no effects.

Mr. Cramer asked to be present, as a representative from Bayside Improvement CDD, at of meeting that takes place in this regard.

Mr. Huffman asked if it would be legal to hold a joint meeting between the PLCA and the CDD once further investigation takes place and more facts are acquired. Mr. Adams stated it is definitely legal to hold a joint meeting; however, the PLCA must want to have a meeting with the CDD. Mr. Glueck indicated that they must be made aware of the problem before taking the next step. Mr. Adams felt that the issue would be resolved by bringing it to their attention.

**TWELFTH ORDER OF BUSINESS****Discussion: Perimeter Fencing**

Mr. McAuley reported that at least three areas in the community have a problem. On a map, he noted the location of an area identified as a wetland, which he indicated was a field, not a wetland.

Mr. Adams stated that this issue was reviewed, in detail, eight or ten years ago during the final construction of some of the lots. The question arose about installing a fence because the area was so open. The wetland was recovering from having the exotics removed and being replanted. Mr. Adams explained that, at the time, there was no opportunity to install a fence without seeking permission from the agencies to run a fence through a wetland because the wetland boundary line matches up to the back side of the residential lots. He stated that the discussion was in the context of a massive perimeter fencing program.

Mr. Frank Toner, the Privacy Advisory Co-Chairman, discussed perimeter fencing. He advised that someone recommended installing pedestrian gates. Mr. Toner felt that any money spent should be on the berm; however, he was not previously aware of the wetland. Mr. Adams explained that if they were lucky enough to obtain approval for a fence, it would have to be elevated 18 to 24 inches off the ground to allow wildlife to come and go.

Referring to a map, further discussion ensued regarding possible fence locations to deter pedestrian traffic. Mr. Huffman noted that the nature walk, leading into the wetland, provides free access to the back yards of the homes. Mr. McAuley suggested obtaining permission from the homeowners to install a fence at the edge of their property. Mr. Adams stated that the homeowners could grant an easement to the CDD for the purposes of installing, operating and maintaining a fencing system; however, they may have an issue with the diminished view.

Mr. Lienesch suggested planting thorny shrubs in the wetland to discourage children from running through it. Mr. Adams indicated that the shrub must be on the native plant list. Mr. Adams and Ms. Crismond will look into this.

Mr. Toner noted that the gate on Spring Creek Road is often left open. Mr. McAuley suggested reminding Century Link and Comcast to lock the gate each time they enter and exit.

**THIRTEENTH ORDER OF BUSINESS****Approval of Minutes**

- **July 20, 2012 Joint Budget Workshop**

Mr. Patterson presented the July 20, 2012 Joint Budget Workshop Minutes and asked for any additions, deletions or corrections.

The following changes were made:

Line 180: Change "hard" to "equipment"

Line 211: Delete "what"

Line 212: Change “services” to “service”; add “description” after “service”; change “identified” to “provided”.

**On MOTION for Bayside Improvement by Mr. Lienesch and seconded by Mr. Cramer, with all in favor, the July 20, 2012 Joint Budget Workshop Minutes, as amended, were approved.**

**On MOTION for Bay Creek by Mr. Huffman and seconded by Mr. Glueck, with all in favor, the July 20, 2012 Joint Budget Workshop Minutes, as amended, were approved.**

- **July 23, 2012 Joint Regular Meeting**

Mr. Patterson presented the July 23, 2012 Joint Regular Meeting Minutes and asked for any additions, deletions or corrections.

The following changes were made:

Line 50: Change “McCauley” to “McAuley”

Line 51: Add “Colony” before “regrass”

Line 64: Change “Patterson” to “McAuley”

Line 73: Change “on” to “off”

Line 108: Change “and” to “had”

Line 155: Change “hydrogen” to “nitrogen”

Line 191: Delete “and EarthBalance”

Line 422: Change “South Ridge” to “Southbridge”

Line 504: Change “20” to “27”

**On MOTION for Bayside Improvement by Mr. Lienesch and seconded by Mr. Cramer, with all in favor, the July 23, 2012 Joint Regular Meeting Minutes, as amended, were approved.**

**On MOTION for Bay Creek by Mr. Huffman and seconded by Mr. Glueck, with all in favor, the July 23, 2012 Joint Regular Meeting Minutes, as amended, were approved.**

**FOURTEENTH ORDER OF BUSINESS                      Old Business**

There being no old business, the next item followed.

**FIFTEENTH ORDER OF BUSINESS                      Other Business**

**a.        Action Items**

With regard to Item 6, Mr. Adams stated that the signed agreement with the PLCA has not been received. Mr. Cox indicated that he had a conversation with Mr. Hart last week. Mr. Cox answered Mr. Hart's questions and he gave him an understanding of what the CDDs were trying to accomplish. Mr. Hart indicated that he was going to recommend that the PLCA sign the agreement but did not know if the PLCA must take formal action at a board meeting.

Mr. Adams stated that the long-term plan is to get 7 neighborhoods comfortable with an agreement allowing the CDDs to assume responsibility for the operation. He recommended deleting "present at July meeting" from Item 6.

Items 9, 12 and 14 were completed and will be deleted. Mr. Toner reported that he discussed the telephone answering issue with the Privacy Security Committee and it was accepted. The PLCA advised that they will handle the calls on an emergency basis only. If a problem occurs after hours, the PLCA will call security and security will notify Mr. Kucera. It will be Mr. Kucera's responsibility to follow up.

Mr. Cramer reported on an issue that occurred on the Saturday of the storm involving a severe water leak. He indicated that it was brought to the attention of the security person at the North Gate, who took Mr. Cramer's information and passed it on to the appropriate person. Within an hour, Mr. Cramer received a call stating that the person was notified and the condition would be taken care of.

**SIXTEENTH ORDER OF BUSINESS                      Staff Reports**

**a.        Attorney**

There being nothing additional to report, the next item followed.

**b.        Engineer**

There being nothing additional to report, the next item followed.

**c. Manager****i. Unaudited Financial Statements as of July 31, 2012**

Mr. Patterson presented the Unaudited Financial Statements as of July 31, 2012. Mr. McAuley indicated that the items he questioned were provided to Ms. Crismond. Mr. Patterson expressed a concern that only \$6,000 in irrigation fees were received for the month of July. Mr. Adams clarified that the July receipts were for billings in June, which was a dry month. He pointed out that the pump station was still being turned off in June to keep the usage down. Mr. Patterson noted that the average receipts per month were in the \$20,000 to \$25,000 range. Mr. Patterson asked Mr. Adams to provide real time receipts.

In General Fund 002 for The Colony, Mr. Patterson noted that they were not showing the effect of the re-grassing of The Colony, in terms of cost; there was no expense in July. Ms. Crismond stated that she just approved the invoice and it will be reflected in the next financial statements.

On Page 21 of the Check Register, Mr. Patterson inquired about the \$4,277.36 paid to Merano Condominium Association for irrigation revenue. He felt this was partly why the irrigation revenue was low. Mr. Adams will check into the reason for the payment.

**ii. Savings & Money Market Account/Investment Snapshot as of 08/15/12**

Mr. Adams indicated that there are no changes in the presented information.

**iii. Irrigation High User Report**

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

Mr. Patterson asked Mr. Adams if it would be possible to modify the report. He indicated that all he wanted to see each month was how many dollars were received on conservation rates. Mr. Adams explained that the report shows the data entry that generates the billing. It was suggested that a summary be provided. Mr. McCarthy felt that the detail should remain.

Mr. McAuley pointed out that the amount for the tennis court was \$535, after they were given an increased allotment of water. Mr. Cramer stated that his report to security was because the underground system in the tennis center was bubbling up on Courts 7 and 8 and there was a flow of water that was greater than Spring Creek. He indicated that proper maintenance was required.

**\*\*\*Mr. McCarthy left the meeting.\*\*\***

**iv. Fiscal Year 2013 Proposed Joint Meeting Schedule**

Mr. Patterson presented the Fiscal Year 2013 Proposed Joint Meeting Schedule and asked the Boards if the dates were acceptable.

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Lienesch, with all in favor, the Fiscal Year 2013 Proposed Joint Meeting Schedule, as presented, was approved.**

**On MOTION for Bay Creek by Mr. McAuley and seconded by Mr. Glueck, with all in favor, the Fiscal Year 2013 Proposed Joint Meeting Schedule, as presented, was approved.**

**v. NEXT MEETING DATE: September 24, 2012 at 2:00 P.M.**

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

Ms. Crismond distributed a copy of the Operations Report dated August 27, 2012. She indicated that the winter flower colors for Pelican Landing will be blue and lavender with a white border. She reported that the lamppost replacement in The Ridge was completed. With regard to signage, Ms. Crismond advised that Mr. McCarthy will be working with Mr. Kucera to try to obtain a lower cost estimate for the signage repairs required for Bay Cedar and Capri.

In response to a question from Mr. Lienesch, Mr. Adams provided an update on the entry feature plant replacements. Mr. Patterson expressed his dislike for Ligustrum and cord grass. Mr. Patterson did not feel that Ligustrum was a healthy plant and cord grass grows very tall and falls over. Mr. Adams indicated that it can be trimmed and maintained like a fountain grass and it is less susceptible to disease and bugs.

Mr. McAuley noted that progress is being made on Spring Creek. Mr. Adams indicated that, in the area abutting Addison Place where the hill is exposed, irrigation is being run from one side to the other and they are beginning to install plants. The project should be pretty well completed by the middle of next week.

Mr. Lienesch inquired about the activity that took place with regard to flooding from the last storm. He asked who performed the work and who authorized it. Mr. Adams indicated that the PLCA had Sewer Clear perform the cleanout of the pipes from the roadside. The CDD crews

cleaned the vegetation from the end of the outlet pipe located within the preserve area between Heron Glen and Heron Cove.

**BAY CREEK ITEMS**

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| <b>SEVENTEENTH ORDER OF BUSINESS</b> | <b>Audience<br/>Request</b> | <b>Comments/Supervisors'</b> |
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Mrs. Chevelet, a resident of Costa Del Sol, discussed the maintenance of the lake in Costa Del Sol, adjacent to Greenview Drive. She stated that when the maintenance crew was there two weeks ago, she asked the manager if the material could be raked up and disposed of; however, it was not done and they continue to spray. Ms. Crismond clarified that it is Lake D-7. She explained that algae collects within the littoral plants. If the maintenance crew starts raking, they will kill the plant material. The algae stays within the plants around the lake and the crews continue to treat it. The resident advised that the material looks like large sticks that do not appear to be attached to anything. She asked if the spraying will remove the debris. Ms. Crismond felt it was spike rush. Mr. Adams will look at the area personally after the meeting.

Mr. Janek commented that someone posted a sign in the preserve area in his community stating "Area under video surveillance". Although he was not able to find any video cameras, it appears to be helping. Mr. Janek also suggested posting signs stating "Danger: Snakes" to deter pedestrian traffic.

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| <b>EIGHTEENTH ORDER OF BUSINESS</b> | <b>Adjournment</b> |
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The Bay Creek CDD meeting adjourned.

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| <p><b>On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Huffman, with all in favor, the Bay Creek CDD meeting adjourned at 4:15 p.m.</b></p> |
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**BAYSIDE IMPROVEMENT ITEMS**

**NINETEENTH ORDER OF BUSINESS**

**Affidavits of Publication Related to Amendment No. XIV to Chapter I of the Rules of the Bayside Improvement Community Development District Relative to its Irrigation Utility Regulations and Rates and Charges for Utility Service**

- **Notice of Rule Development**
- **Notice of Intent**

Mr. Patterson referred to the two proofs of publication located behind Tab 19.

**TWENTIETH ORDER OF BUSINESS**

**Public Hearing to Hear Public Comment and Objections to the Adoption of a Proposed Rule Amendment**

- **Consider Resolution 2012-11, Amending the Rules of the Bayside Improvement Community Development District, Relative to its Irrigation Utility Regulations and Rates and Charges for Utility Service**

Mr. Patterson explained that this item is related to the rate that will be charged for connection fees to high rises. He indicated that the definition of a high rise is ten stories or higher and that statement must be included in the motion. Mr. Adams noted that it will be inserted in the Amendment under Sections 1.01 and 1.02 after the term “high rises”.

**\*\*\*Mr. Patterson opened the Public Hearing.\*\*\***

There were no public comments.

**\*\*\*Mr. Patterson closed the Public Hearing.\*\*\***

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| <p><b>On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Cramer, with all in favor, Resolution 2012-11, Amending the Rules of the Bayside Improvement Community Development District Relative to its Irrigation Utility Regulations and Rates and Charges for Utility Service, as amended to include the definition of a high rise in Sections 1.01 and 1.02, as discussed, was adopted.</b></p> |
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**TWENTY-FIRST ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors'**

There being no audience comments or Supervisors' requests, the next item followed.

**TWENTY-SECOND ORDER OF BUSINESS    Adjournment**

There being no further business, the Bayside Improvement CDD meeting adjourned at 4:22 p.m.

**FOR BAYSIDE:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

***ACTION/AGENDA ITEMS:***

1. **ACTION ITEM:** Mr. McCarthy to look in county files to see if there is a plan that corresponds to what Mr. Barraco has
2. **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
3. **ACTION ITEM:** Mr. Kurth to follow up on grass carp permitting
4. **ACTION ITEM:** Mr. Barraco to continue to provide the status of certifications.
5. **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. Mr. Cox and Mr. Hart to look into the CDDs taking ownership of the fixture and not the ownership of the real property. Mr. Cox to amend agreement with the PLCA to state that the CDDs will maintain the culverts
6. **AGENDA ITEM:** Lake Maintenance Activities Report – Bill Kurth
7. **ACTION ITEM:** Staff to obtain treatment options, other than chemicals, for presentation at a future meeting
8. **AGENDA ITEM:** Mr. Cox to discuss nutrient numeric thresholds and rule that applies to South Florida.
9. **ACTION ITEM:** Mr. Barraco to look at outfall into Lake F-16 where the water flows from the outfall into the lake
10. **ACTION ITEM:** Mr. Adams and Ms. Crismond to look at native plant list for possible plantings in the wetland to deter pedestrian traffic
11. **AGENDA ITEM:** Results of Water Quality Testing – *July (deferred from August mtg.)*