

**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, February 25, 2013 at 2:00 p.m.**, at the **Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134.**

For Bayside Improvement CDD:

Walter McCarthy	Chair
Marvin Hancock	Vice Chair
James Patterson	Assistant Secretary
John Crew	Assistant Secretary
Bernie Cramer	Assistant Secretary

For Bay Creek CDD:

Frederick McAuley	Chair
Nelson Glueck	Vice Chair
James Janek	Assistant Secretary
Robert Pritt	Assistant Secretary
Mary McVay	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox	District Counsel
Carl Barraco	District Engineer
Bill Kurth	LakeMasters
Mike Martin	LakeMasters
Jack Lienesch	Resident
Dr. Serge Thomas	Florida Gulf Coast University
Bill Ribble	Resident
Charlotte McCarthy	Resident
Dennis Anderson	Resident
Peter Kane	Resident
Bob Sontag	Resident

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

Mr. McAuley identified himself and asked the Supervisors to call their names. For Bay Creek Community Development District, Supervisors McAuley, Glueck, McVay, Janek and Pritt were present, in person. For Bayside Improvement Community Development District, Supervisors McCarthy, Hancock, Cramer, Patterson and Crew were present, in person.

THIRD ORDER OF BUSINESS

Public Forum

Mr. McAuley asked if any members of the public wished to address an item on the agenda.

Mr. Bob Sontag, a resident, indicated that he and another resident were attending as representatives of Palm Colony and wished to discuss Lakes E-1, E-2 and E-3. He questioned whether a response was received to the letter sent by District Counsel to the management of both golf clubs and the Pelican Landing Community Association (PLCA) regarding the issue of pollution coming from the maintenance facility and tennis courts.

Mr. Sontag stated that there was a heavy inflow from the tennis courts into the lakes in early January, during a rainstorm. Mr. Dennis Anderson, a resident, captured green water coming into the lake and delivered it to the CDD. Mr. Sontag asked if the water was tested.

Mr. McAuley indicated that these issues will be discussed during the Tenth Order of Business.

Mr. Peter Kane, a resident, stated that he wanted to speak about the border area in Bay Cedar. He advised that, after hearing the initial plan at the last CDD meeting, a Bay Cedar community meeting was held and the residents decided to make the CDD Boards aware that they are paying close attention to the details of the hedge issue.

Mr. Kane explained that the residents contacted two (2) CDD Supervisors, separately, inviting them to walk the hedge with them and discuss their concerns. The residents now feel that the Supervisors understand the issues and feel confident that they know how to resolve them.

Mr. Kane voiced his support, and that of the Bay Cedar residents, for the Bayside Improvement Board to proceed with whatever plan they choose.

Mr. McAuley stated that the Boards will speak to this during the Eleventh Order of Business.

BAYSIDE IMPROVEMENT CDD

FOURTH ORDER OF BUSINESS

Presentation of Service Award to Mr. Jack Lienesch

On behalf of the Bayside Improvement CDD Board, Mr. McCarthy presented a service award to Mr. Lienesch in appreciation for his years of service to the Bayside Improvement CDD.

Mr. McCarthy indicated that he, personally, considered Mr. Lienesch to be an enormous asset and he will be missed. Mr. McCarthy expressed his appreciation to Mr. Lienesch and stated that the Board arrived at better decisions as a result of his participation.

Mr. Lienesch expressed his appreciation for the nearly three years that he served on the Board and stated that he tried to add value. He noted that some of the projects that they worked on were good and some did not turn out exactly as he had hoped; however, that is usually the case.

Mr. Lienesch indicated that he spent some time with Mr. Crew prior to his becoming a Board Member and he feels that Mr. Crew is a great replacement.

BAY CREEK CDD

FIFTH ORDER OF BUSINESS

Ratify Appointment of Ms. Mary McVay to Seat 4

Mr. McAuley introduced Ms. Mary McVay, the new Bay Creek CDD Supervisor.

On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Janek, with all in favor, the appointment of Ms. Mary McVay to Seat 4, was ratified.

SIXTH ORDER OF BUSINESS

Ratify Adoption of Resolution 2013-3, Electing Officers of the District

Mr. McAuley stated that the Board wished to formally ratify the adoption of Resolution 2013-3.

On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Janek, with all in favor, adoption of Resolution 2013-3, Electing the Officers of the District, was ratified.

JOINT MEETING ITEMS

SEVENTH ORDER OF BUSINESS

Engineer’s Report

Mr. Barraco reported that, as a result of the District Manager’s good work, WCI agreed to fund the cost of the transfer of the Pelican’s Nest system and provided a check in the amount of \$10,000.

Mr. Barraco indicated that he sent a letter to the South Florida Water Management District (SFWMD) requesting a minimum of 60 days, as discussed at the last meeting, and more if they find that there are easements missing or ownership is missing.

Mr. Barraco stated that he began verifying that the CDDs will either have land ownership or easements on all of the assets being accepted for maintenance. He started with the asset map showing the lakes, interconnects and control structures. Mr. Barraco pointed out that the map was not field verified; it was based on the permit drawings, which were approved and were part of the certifications. Staff is relying on the accuracy of the certifications that were completed years ago.

Mr. Barraco explained that all of the legal documents are being compiled, such as plats and easement documents, and they will be superimposed on the assets. Once that is completed, Staff will ensure that the operational transfer is in the CDDs’ name. If everything is in order, it is a matter of filing the ownership transfer with SFWMD. Mr. Barraco hopes to complete the transfer the next meeting.

EIGHTH ORDER OF BUSINESS

Update: Permit Transfer Activities

This item was discussed during the Seventh Order of Business.

NINTH ORDER OF BUSINESS

Continued Discussion/Update: Remedial Actions Taken by PLCA Regarding Clay Runoff at Tennis Facility

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

Mr. Barraco provided and discussed a report on the remedial actions taken by the PLCA regarding clay runoff at the tennis courts. Mr. Barraco advised that the Pelican's Nest Golf Course & The Colony Golf Course maintenance facilities began the work to regrade the detention area between the tennis courts and the maintenance facility and have regraded the ditch connecting the outfall pipe to the detention. Referring to a photograph, Mr. Barraco voiced his concern that the side slopes appear to be a little steeper than necessary. He will continue to monitor to ensure the work is completed properly. Mr. Barraco pointed out the conveyance area and indicated that, once it is connected to the detention area, it will be made clear that the entire detention area must be regraded, not simply a swale to the control structure.

Mr. Janek inquired about the location of the ditch. Mr. Barraco stated that the outfall connects the pipe drainage system to the detention area. Prior to leaving the detention area, the water must go through a control structure, which controls the amount of water leaving the area, to give it time to be treated. The water then flows to the lakes.

Ms. McVay asked if The Colony's tennis courts are being looked at and if this problem pertains to them, as well. Mr. Barraco indicated that The Colony has other systems in place. Mr. Barraco explained that these courts were reviewed specifically because they are the closest to the lake and an area of concern. Ms. McVay indicated that she wanted to ensure that they were not only addressing problems but are able to foresee problems as they arise. Mr. Barraco explained that there is an NPDES permit in place and annual reports must be submitted. The District is required to review 20% of the infrastructure each year, for the first five years. Through that process, everything will be looked at, including The Colony, the drainage interconnects and the major components of the stormwater management system.

Ms. McVay asked if WCI currently owns the system at The Colony. Mr. Barraco explained that most of the easements that were found, thus far, were provided to the District. The formal paperwork to transfer operation and maintenance to the CDD has not been completed, although the District has maintained the system for years. Before transferring the balance of the system, the certifications must be in place and accepted by SFWMD. Mr. Barraco

explained that over 50% of the certifications are completed. The remainder of the systems did not fall within the current acceptable criteria of SFWMD. Preliminary discussions took place with WCI, should there be a cost involved in modifying any of the systems but they have not reached that point yet.

Mr. McAuley referred to the CDD Tennis Court Materials Complaint as Reported by the PLCA Board of Directors, written by Mr. Jim Murphy. The report was presented to the PLCA Board and Mr. McAuley suggested that the residents from Palm Colony read it.

Mr. Barraco was asked if the ditch that is being dug will resolve the problem of the Har-Tru material reaching the lakes. Mr. Barraco indicated that having the detention system in working order will help; however, he does not feel it will solve the problem, as there are other areas where a very fine material is making its way into the system. The material is so small that it remains suspended in the water column for a long time. Mr. Barraco advised that the PLCA is building a containment area and discussion took place regarding replacing the lip around the facility.

Mr. Anderson, a resident, stated that two reports were written by Ms. Martel where she specifically stated that absolutely no material from the tennis courts was entering the lakes. The residents are waiting for an admission that this occurred after those statements were made. Mr. Anderson indicated that samples were taken directly from the lake to show that there is a tremendous amount of material entering the lakes, even after the work completed by Sewer Viewers. The residents are insistent because no one from the PLCA has admitted openly that they know that the material is going into the lakes and that it has been, for a long period of time. Mr. McAuley recommended that Mr. Anderson read the report, as the CDD cannot answer for the PLCA.

Mr. Hancock stated that the Har-Tru maintenance manual indicates that algae can be a problem with this type of tennis court and there has been an algae problem. An algaecide with chelated copper and copper sulfate is recommended, which tends to turn the water green. He asked if there was a way to verify whether the water that is reaching Lake E-2 is saturated with chelated copper or another algaecide.

Dr. Serge Thomas, of Florida Gulf Coast University (FGCU), indicated that one is actually a total suspended solid and the other is basically a dissolved material; one will sediment

much faster than the other. He advised that the green material coming from the tennis court is probably not algaecide.

Mr. Kurth explained that copper sulfate makes a blue cloud, not green, and the cloud lasts a matter of minutes; chelated coppers tend not to cloud up as much. He stated that residents of Lake E-5 complained to his applicators that they were doing something wrong because the water did not turn blue. More chelated copper and no copper sulfate was used and there is almost no coloration with chelated copper. Mr. Barraco voiced his opinion that much of the green clouding in the lake is suspended solids, based on the stain marks around the inlets. He recommended taking a sample the next time a green plume is seen going into the lake. A simple analysis can be performed to see if there are any suspended solids in the water and what they are.

Mr. Crew noted that, during the last rain event, he observed a gray plume coming out of Lake E-2. He commented that the landscaping around the tennis courts is very mature and, over the years, the mulching has raised the beds, rendering those that could be used to control the runoff ineffective. Mr. Crew noted that 15 years of organic matter has built up from mulch and vegetation and lack of maintenance of the ditches around the courts. Partnering with the PLCA, with the CDD as the landscapers, may help to keep much of the suspended solids onsite, which is a Best Management Practice for stormwater. Vegetation is used as filtration before the solids get to the stormwater system.

Mr. McCarthy inquired about test results on the water sample collected by Mr. Anderson. Mr. Adams indicated that no tests were run; it is very obvious that there are clay fines at the bottom of the bag of water and that the material came from the tennis courts. Mr. Anderson asked if it was reported to the PLCA that there was no question about what was in the sample. Mr. Adams advised that it was not reported.

Mr. Anderson stated that, as far as the PLCA is concerned, there is no problem and the water is not reaching the lakes. He indicated that he walked into the lake and took the samples because definitive information had to be provided. Mr. Anderson stressed that there is nothing in writing stating that, regardless of what was reported by the PLCA and Ms. Martel, tennis court materials are still flowing into the lakes. Mr. Cramer noted that he provided Mr. Kucera with a bucket of material that was removed by Mr. Anderson.

Mr. McCarthy asked if it would be beneficial to collect another test sample when a rain event occurs. Mr. Adams indicated that Mr. Kucera will pull a sample during the next heavy rain event. Mr. Adams stated that it was very clear to him what the material was.

Mr. Anderson voiced his frustration regarding the samples that were provided, as they were very important proof that someone dropped the ball. Mr. Hancock clarified that the material is ground stone Har-Tru material, not clay. Mr. Hancock stated that revitalizing the landscaping and beds around the courts is a mitigating factor of the BMPs and it is a recommended approach for suspended solids and finds such as theirs. Mr. Crew stated that he would like to see a partnership approach to solving the runoff problems. Mr. McAuley noted that the PLCA will be made aware of what was said at today's meeting.

Ms. McVay stated that she was uncomfortable with residents taking samples; they should be taken with someone supervising. Mr. McCarthy volunteered to accompany Mr. Kucera when he takes the water samples from the lakes.

Mr. Hancock indicated that when the January 7 rain event occurred, Mr. Anderson gathered his neighbors and collected samples, so there were witnesses present. Mr. Hancock reminded the Board of the resolution approved last year indicating that no landscape work would be performed around the tennis courts until safety is proven. He indicated that the resolution must be amended or revoked if any landscaping is done around the tennis courts.

Mr. Patterson stressed that all parties must be present at the time the samples are taken and a chain of control is necessary in terms of what happens to them, from when they are taken until testing is completed.

In response to Dr. Thomas' question about the type of testing required, Mr. Barraco stated that the test involves drying out the sample and then weighing it or performing a volume calculation. Mr. Barraco feels that the solids will be clearly identified as a green, fine material and will determine whether it is in the water column.

Mr. Pritt asked where the material is from, if not from the tennis courts. Mr. Barraco stated that he firmly believes it is from the tennis courts. Mr. Pritt recommended sending a letter to the PLCA indicating that the Boards feel that the material is coming from the tennis courts.

Mr. Hancock stated that the Boards asked District Counsel to write a follow up letter; what is missing is a letter of response from the PLCA advising of illicit discharge. Mr. Cox stated that he started the letter late in the month and determined that he needed additional

information, which was provided by Mr. Barraco. With this discussion, the letter will be revised and be more forceful with regard to the Districts' position on the tennis courts; with regard to the maintenance facilities, the PLCA appears to be working with Mr. Barraco to resolve the situation.

On MOTION for Bay Creek by Mr. Glueck and seconded by Ms. McVay, with all in favor, authorizing Mr. Kucera to collect water samples from Lake E-2 during the next rain event and have the samples tested to determine content was approved.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Patterson, with all in favor, authorizing Mr. Kucera to collect water samples from Lake E-2 during the next rain event and have the samples tested to determine content was approved.

TENTH ORDER OF BUSINESS

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

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

A. Consideration of Quote for Phoslock

Mr. Kurth stated that there was nothing outstanding to report. He brought people in to look at the lake systems and offer other ideas. Mr. Kevin Ripp advised that Aquafix developed pellets that are meant to attack muck. After touring the lakes, Mr. Ripp felt that the nutrient levels in the water were low due to a lack of plankton algae but the pellets may help. Mr. Kurth noted that, in Lake E-4, algae grows around the slender spike rush and uses the dying leaves as a fuel source. Typically, there are not enough nutrients in the water to grow algae in that particular lake. Mr. Ripp's idea is that, even though there may not be excessive nutrients in the water, there may be enough in the muck to stimulate growth.

Last year, Mr. Kurth used the pellets on Lake F-16. The maximum recommended rate was used over a three-month period and combined with an enzyme. The short-term results were that the lake looked ten times worse and more algae were visible on the surface of the lake. Mr. Kurth concluded that the pellets did not work. As a result, Mr. Ripp flew down to tour the lakes.

Mr. Kurth advised that Lake F-16 looks good right now and the pellets may have had some impact on the muck in the lake.

With regard to Phoslock, Mr. Kurth advised that the company claims the product will lock up the phosphorous in the muck and take about 90% out of the water. A new method was developed using two applications, one early season and a follow up later in the season. Lakes E-5 and E-1 would be \$4,800 each and F-16 would be \$3,800. Mr. Kurth is waiting for Dr. Thomas's recommendations.

Dr. Thomas noted that he has experience working with aluminum sulfate, which was used prior to Phoslock. In Florida, there is only one case where it worked. When placed in the water, it binds phosphorous. As that occurs, flakes settle to the bottom, locking the phosphorous to the bottom of the pond. Dr. Thomas indicated that aluminum sulfate only works at a pH range of 6 to 8; if it is higher, which is the case in most of these lakes, the phosphate and the sulfate will favor it. If it goes lower, the aluminum becomes soluble and eventually kills the fish.

Dr. Thomas advised that Phoslock is a better product and is non-toxic. It is similar to aluminum sulfate in that it will bind to phosphate and not release it, even if the pH changes. It is heavier than aluminum sulfate and will remain on the bottom of the lake, isolating the sediment from the entire water column. No modification of the pH is necessary. Dr. Thomas clarified that improvement in the lake quality will depend on the relative amount of nutrients in the lake. The balance between nitrogen and phosphorous will determine if the lake has limiting phosphorous or limiting nitrogen. If the lake has limiting phosphorous and the phosphorous is locked in, algae bloom will not be a problem because the phosphorous is limited. In Lake E-5, Dr. Thomas will measure the amount of phosphorous and nitrogen in the water column, as well as in the sediment. While the nitrogen to phosphorous ratio may change in the water column, it will not change in the sediment; hence, the sediment will determine whether Phoslock will be useful.

Mr. McAuley inquired about Dr. Thomas' findings, thus far, in the lakes being studied. Dr. Thomas reported that the group performed more work than originally discussed. They were tasked to check the water column for nutrients, total phosphorous and total nitrogen, and complete a water column clarity assessment each month. Three times per year, comprehensive profiles of various parameters are to be completed to obtain more data. Dr. Thomas felt it would be much more valuable for him to understand the ecology of the bond by completing the full characterization of the water column each month.

Dr. Thomas presented a preliminary report. He indicated that bathymetry was first used to determine the depth of the water columns in all of the lakes except A-8, which assisted with the positioning of the monitoring stations. Dr. Thomas explained that bathymetry helps to determine the amount of volume, in terms of dilution, concentration of nutrients, or the eventual need for pesticide or dye. He discussed the various profiles completed using the data for Lake A-2, such as temperature, pH, conductivity, turbidity, oxidation reduction potential (ORP) and light. Dr. Thomas referred to a typical light profile which showed that the light was higher on the surface and decreased exponentially. Dr. Thomas is able to deduct how much water attenuates light, which is important because it is a constant that allows him to assess how much the water blocks light; it is a composite of total suspended solids, including algae, and allows him to calculate the euphotic zone, which is the zone in which algae can grow. The zone can be compared to the entire lake to determine what percentage of the lake will be available for algae production. Dyes can be used to reduce the amount of light in the lake water so that the algae on the bottom will not be able to grow, which will limit algae blooms coming to the surface.

Dr. Thomas noted Mr. Kurth's comments regarding the difficulty of maintaining the lakes and stated that the lakes have very different conductivity; basically, each lake is different. He indicated that he is trying to understand the ecology of a few of the lakes, how they function with their different characteristics and attempt to place them in categories.

Dr. Thomas discussed the results for the first quartile. He explained that dissolved oxygen is important because if it falls below 5 parts per million (5mg/L), the fish have difficulty breathing. He pointed out that Lake A-8 has the lowest concentration of oxygen. Dr. Thomas advised that, generally, when there is a low amount of oxygen, there is a lot of organic material on the bottom and the organic demands a lot of oxygen; the oxygen is being pumped out of the water column and, eventually, kills the fish.

Dr. Thomas stated that he will be performing total alkalinity tests three times per year. After 12 months, the profiles will be combined into a time depth profile, which is color coded and shows how the lake changed over the entire year and links the profiles, over time.

Dr. Thomas advised that a weather station was installed at the CDD building on Coconut Road, which collects data on temperature, wind velocity highs and lows, wind direction, humidity, rain and atmospheric pressure. The information will be compared to the lake condition to determine whether there is a correlation between the temperature of the surface of the lake and

the mixing of the water. The data will be collected every 30 minutes into one database, which will be used at the end.

Mr. Adams advised that he will forward Dr. Thomas' report to the Boards.

Mr. Pritt asked if it would make sense to begin cleaning muck from the lakes, over a period of time, and if that would be a viable long-range solution to adding chemicals. Dr. Thomas agreed that is something they must begin thinking about. He explained that the detention ponds are filtration devices and, the way they were designed, they must be dredged every 15 to 20 years. The reason being that, at a certain point, as a pond fills with sediment, which turns into dirt over time, there will be less and less volume available to filter nutrients. The way the ponds are managed, at times, they receive a lot of nutrients and, when there are more nutrients, the clock ticks faster, as if putting energy into the pond. Algae naturally should grow and die and the pond should be filling up naturally. Aerators are a way to prevent or slow the process. They are very good for the homeowner and postpone the time when dredging must be done; however, they will also continue to damage the ecosystem downstream. The alternative to dredging is to limit the amount of nutrients and ensure that the algae blooms are real algae blooms, as there are different types of algae and there is a misunderstanding of what natural, low nutrient, healthy algae actually is.

Mr. Kurth recalled that Mr. Howard Lowe, a resident, attended last month's meeting and expressed concerns regarding Lakes C-1 and C-2. Mr. Lowe felt that there were not enough littoral plants in those lakes because they have the lowest water levels. Mr. Kurth noted that last year's littoral plantings were very successful and Mr. Lowe's concerns were probably from prior years. The lakes look good now and the littoral plantings should continue to increase.

Dr. Thomas noted that the initial reports are used as a benchmark because they are studying the ponds in their best state; the temperature is cooler and the amount of sunlight they receive is lower. As summer approaches, especially after the first rain, which generally brings the largest nutrient flush into the lakes, the problems begin. Dr. Thomas encouraged the use of littoral plantings and asked about the types of plantings that were used.

Mr. Kurth reported that many of the aeration diffuser heads that were installed in the first year failed. LakeMasters is replacing all of the diffusers at their cost.

In response to a question from Mr. Cramer, Mr. Kurth discussed the use of a harvester on Lake E-4, which has blue-green algae.

Mr. Adams showed a picture of the water sample previously discussed. Mr. Adams pointed out the dark line at the bottom of the jar and stated that it is quite obvious that it is the Har-Tru from the tennis courts. Dr. Thomas noted that coring was performed around the culvert and they were not able to locate any Har-Tru material.

Mr. Crew noted that the ponds are storm drainage retention basins and asked if Lake E-1 and E-2 were designed to retain the sediments from the tennis courts. Mr. Adams stated that retention is their primary purpose; however, the runoff still meets the definition of illicit discharge. As a BMP, the material should be contained at the source.

ELEVENTH ORDER OF BUSINESS

**Consideration of Landscape Planting
Projects for 2013**

Mr. Adams recalled previous discussions regarding large landscape projects, beyond the normal change out. For Spring Creek Phase II, Mr. Adams indicated that J. Roland Lieber Landscape Architects (JRL) prepared a plan for Spring Creek Road to provide a buffer down the corridor and along the fence lines, similar to that along Coconut Road. The cost to complete the project is \$60,689, for materials only.

Mr. Adams noted that, in Bay Cedar, the largest issue is the ficus hedge material along the fence line, which was installed to provide a strong buffer between Bay Cedar and Spring Creek Village. Over the years, light shaping has allowed the branches to extend out from the trunks and the material must be hard cut back. Once that occurs, an area in front of the hedge will be opened up to allow an additional layer of plant material. The cost for materials is \$13,075.

With regard to white fly, Mr. Adams stated that several varieties of systemic chemical are being used. The roots of the plant are soaked and the chemical spreads throughout the plant. When it attacks the plant, the white fly ingests the chemical and dies immediately. All of the ficus in the Districts' area of responsibility have been treated.

Mr. Adams discussed the 8/10 Berm project on Pennyroyal. He stated when traveling on Pennyroyal, north of the Parkway, before Heron Glen, there is a berm on the right-hand side, which has a 2:1 slope. It is difficult to maintain turf on the slope because the larger mowers tend to slide, tearing up the floratam. At this time of year, the floratam does not grow so the slope is

not recovering well, leaving dead patches. The project will be similar to the one on Greenview Drive. The materials only cost is \$9,535.

Mr. Adams indicated that the Wetlands 10 and 11 Project, for \$7,850, was the plant solution to a fence. It will be removed from the list of planting areas. Mr. Adams stated that Mr. Hancock received regular communications from residents of that neighborhood indicating a real sense that this will not achieve their goals. The residents prefer to have a fence installed, as opposed to landscape.

Mr. Adams summarized that the total costs are approximately \$84,000. The annual budget for plant replacement is \$65,000; \$6,500 was used, year-to-date. Mr. Adams recommended a holdback of \$7,500 for change outs, throughout the remainder of the year, leaving a usable budget of \$51,000. He pointed out that \$30,000 to \$35,000 was budgeted for roadside catch basin cleaning and the project will not be completed this year. He noted that the Spring Creek Phase II project is not as expensive as originally anticipated; thus, the first three projects can be completed using existing funds within the budget.

Mr. Patterson did not recall there being a presentation for the east side of Spring Creek Road. He was unsure whether vegetation outside of the fence is justified and he requested a presentation. Mr. Adams recalled that plans were provided by JRL three years ago. Mr. Patterson asked for a refresher to determine what is necessary and justified. He recommended deferring the vote to next month and asked for a plant list and the costs associated with the three projects. Mr. Adams will forward the PDF for Phase II. He pointed out that nothing will be installed until June or July, when the rainy season begins.

Mr. Hancock suggested having the architect speak, as well as some residents, such as Mrs. Draper and Mr. Ribble.

This item will be carried on the next agenda.

Mr. McCarthy made a motion to proceed with the Bay Cedar renovation project. The motion was seconded by Mr. Cramer. For Bay Creek, a motion was made by Mr. Janek and seconded by Ms. McVay.

Mr. Crew stated that he would also like to consider moving forward with the 8/10 Berm project, replacing the turf and planting ground cover.

Mr. Cramer asked if additional thinning can be performed on the oak trees on Pennyroyal. Mr. Adams replied affirmatively.

Mr. Crew amended the motion to include the 8/10 Berm (Pennyroyal) project. The amendment was accepted by Mr. McCarthy.

Mr. Patterson pointed out that this is the first time that these numbers were presented to the Boards. He reiterated that there is no rush to proceed, as installation will not occur until the rainy season.

Mr. Patterson made a motion to table the vote until the next meeting. There was no second; the motion died.

Mr. McCarthy clarified that the cost of the Bay Cedar Project was discussed last month, as well as the number of plants. He stressed that he has brought this topic before the Boards for at least a year and this is the product of those discussions.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Cramer, with Mr. McCarthy, Mr. Cramer, Mr. Hancock and Mr. Crew in favor and Mr. Patterson dissenting, authorizing Staff to proceed with the Bay Cedar Project, not to exceed \$13,075 and the 8/10 Berm (Pennyroyal) Project, not to exceed \$9,535, was approved. (Motion passed 4-1)

On MOTION for Bay Creek by Mr. Janek and seconded by Ms. McVay, with all in favor, authorizing Staff to proceed with the Bay Cedar project, not to exceed \$13,075 and the 8/10 Berm (Pennyroyal) project, not to exceed \$9,535, was approved.

Mr. Bill Ribble, a resident of The Colony, stated that Mr. Adams' comments regarding waiting until the rainy season for the plantings makes sense; however, The Colony residents came to today's meeting with the understanding that the project will move forward. Mr. Ribble pointed out that Mr. Hancock completed numerous drawings, Mr. McCarthy verified what was needed and the architect's drawings were presented; he does not understand how two Pelican Landing projects can be approved with the same information that the Boards have for The Colony.

For clarification, Mr. McAuley noted that a lot of work was completed on Spring Creek, in Addison Place and both on Coconut Road and Spring Creek Road. He explained that the

Boards are not postponing the Spring Creek Phase II project; it will be considered on next month's agenda.

Mr. McCarthy asked if anyone had the same questions as Mr. Patterson regarding the Spring Creek project. Mr. McAuley indicated that the Boards asked Mr. Adams to provide the plans and agreed to consider this item next month, since nothing can be done until the rainy season. Mr. Hancock felt there was no reason to wait. Mr. McCarthy agreed.

On MOTION for Bayside Improvement by Mr. Hancock and seconded by Mr. McCarthy, with all in favor, authorizing Staff to proceed with the Spring Creek Phase II Project, not to exceed \$60,689 and for Staff to provide the plans at the next Board meeting, was approved.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Glueck, with Mr. Janek, Mr. Glueck, Mr. McAuley and Ms. McVay in favor and Mr. Pritt dissenting, authorizing Staff to proceed with the Spring Creek Phase II project, not to exceed \$60,689 and for Staff to provide the plans at the next Board meeting, was approved. (Motion passed 4-1)

TWELFTH ORDER OF BUSINESS

Discussion: Sunshine Law

Mr. Cox indicated that this subject was addressed thoroughly last month; however, a Supervisor requested that it be placed on the agenda. He asked for questions from the Boards.

Mr. Adams indicated that, according to the minutes, Mr. McAuley made the request. Mr. McAuley stated that he was satisfied with the previous discussion.

THIRTEENTH ORDER OF BUSINESS

Approval of January 28, 2013 Joint Regular Meeting Minutes

Mr. Adams presented the January 28, 2013 Joint Regular Meeting Minutes and asked for any additions, deletions or corrections.

The following changes were made:

Page 1: Insert the following residents who were present at the meeting:

- | | |
|----------------|----------|
| “Peter Kane | Resident |
| William Ribble | Resident |

Florence Poggi
Howard Lowe
Dennis Anderson

Long Lake UOC Representative
Long Lake Village
Palm Colony”

Line 85 & throughout: Change “Cane” to “Kane”

Line 123: Change “peepers” to “Sewer Viewer”

Line 229: Change “littorals” to “littoral plants”

Line 278: Change “the lake” to “a lake”

Line 297: Change “Patterson” to “A Board Member”

Lines 502 & 509: Change “in a not-to-exceed amount of” to “not-to-exceed”

Mr. Patterson indicated that the penalty revenue is overstated in the calculations. Mr. Pritt stated they are only discussing what was stated at the last meeting.

Line 616: Change “McAuley” to “McCarthy”

Lines 726 and 732: Change “A resident” to “Mr. Ribble”

- **Action Items**

******This item, previously 15A, was presented out of order.******

Regarding Item 4, Ms. Crismond stated that she has not received a response from Mr. Kucera.

Mr. Pritt suggested removing Item 5 as an action item, as everyone is attuned to the idea of xeriscaping, where possible.

With regard to Item 1, Mr. Patterson noted that the Boards do not have the authority to ask Mr. McCarthy to perform the work; it is being done on a volunteer basis. This item will be deleted.

Discussion followed regarding Item 7. Mr. Cox indicated that they are waiting for the PLCA. Mr. Hancock asked if District Counsel should write a letter to the PLCA explaining that the Boards are waiting for a written reply. Mr. McCarthy indicated that a number of Board Members were present at the PLCA board meeting and voiced his opinion that the Districts will be waiting a long time for a response on this issue. Mr. Patterson recommended dropping this item.

Regarding Item 11, Mr. McAuley stated that he spoke with Mr. Adams and Mr. Reagan and this is not in the Districts’ best interests. This item will be removed.

Mr. Adams indicated that Item 24 was finalized and posted on the website. This item will be removed.

Items 2, 3, 4, 6, 8, 9, 10, 17, 22 and 23 will remain.

Items 1, 5, 7, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21 and 24 were deleted.

On MOTION for Bay Creek by Mr. Glueck and seconded by Ms. McVay, with all in favor, the January 28, 2013 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the January 28, 2013 Joint Regular Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Old Business

Mr. Crew inquired about the previous reference to a resolution whereby CDD employees will not perform landscaping within the tennis court area. Mr. Hancock replied not until it is determined whether the green material is toxic. Mr. Adams clarified that the resolution referred to the wholesale replacement of plant material.

Mr. Crew recommended rescinding the resolution to work toward having a landscape plan implemented there, which will help to mitigate runoff of the surface material.

Mr. Hancock stated that it does not appear that any of the material is toxic or that there is reason for concern for the safety of their employees.

Mr. Cramer noted that the original motion included the Boards' participation with the tennis advisory committee, or representatives of that group, to put together a plan. Mr. Glueck indicated that the Finance Committee gave their approval to obtain quotes.

On MOTION for Bay Creek by Mr. Pritt and seconded by Mr. Janek, with all in favor, rescinding the resolution to discontinue landscaping at the tennis center to allow landscape replacement at/around the tennis courts, was approved.

On MOTION for Bayside Improvement by Mr. Hancock and seconded by Mr. Crew, with all in favor, rescinding the resolution to discontinue landscaping at the tennis center to

allow landscape replacement at/around the tennis courts, was approved.

FIFTEENTH ORDER OF BUSINESS

Other Business

A. Action Items

This item was discussed during the Thirteenth Order of Business.

SIXTEENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being no report, the next item followed.

B. Manager

i. Approval of Unaudited Financial Statements as of January 31, 2013

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2013. He indicated that assessment levy collections were at 87%. Mr. Adams is still working on the differential between the general funds and irrigation funds, in terms of the percentage of collections, which was brought to his attention by Mr. McCarthy. This will be resolved prior to distribution of the next financial statements. Referring to the Balance Sheet on Page 1, Mr. Adams noted that \$640,000 was put into the ICS program.

With regard to the percentage of collections, Mr. Patterson pointed out that the amount is 87% in one and 86% in the other. Mr. Adams agreed that the percentages are off by 1%; he will follow up with the controller.

On Page 17, Mr. McCarthy noted that the assessment levy states 92% and on Page 9, the assessment levy-net is 87%. Mr. Adams agreed that the two amounts should be the same.

Mr. McCarthy asked about the \$4,653 under miscellaneous revenue. Mr. Adams will look into this.

Mr. Patterson asked why meter fees were so high. Mr. Adams indicated that it was the payment for Florencia, to install their meter for the District's irrigation water.

ii. Savings & Money Market Account/Investment Snapshot as of 02/17/13

This item was provided for informational purposes.

iii. Irrigation High User Report

- o **Bayside Improvement CDD**

- **Bay Creek CDD**
- **Penalty Usage Summary: *Bayside Improvement CDD***

Mr. Pritt pointed out that there are many high users on Tuscany.

In response to a question from Ms. McVay, Mr. Adams indicated that no follow-up calls are made. He explained how requests for consideration for large bills are handled.

Mr. Crew stated that this issue relates to water conservation. He felt it to be in the Districts’ best interest to follow up with residents.

Mr. McAuley requested that this item be placed on the next agenda for discussion.

Mr. Hancock recommended speaking with Mr. Kemp, Irrigation Manager, about the demands on their system and the difficulties he is having providing the water.

Mr. Adams will provide a sample bill/invoice for the Boards’ review.

Mr. Patterson pointed out that in Tiers 2 through 5, most residents are in the penalty area. Had they not been in the premium level, they would have been in Tier 1. Mr. Adams explained that the two-to-five consumption penalty only calculates overage. Of the six users, 16,350 was the total usage in Tier 2. Mr. Patterson stated that the total of 60 is incorrect; it should be 51. Mr. Adams agreed.

iv. NEXT MEETING DATE: March 25, 2013 at 2:00 P.M.

The next meeting will be held on March 25, 2013 at 2:00 p.m.

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

This item was provided for informational purposes. There were no questions from the Supervisors.

SEVENTEENTH ORDER OF BUSINESS

Audience Request

Comments/Supervisors’

Mr. McCarthy stated that, at the PLCA meeting, he was provided with two photographs of areas along Pennyroyal where the hedge has either deteriorated or is missing. The photos were given to Mr. Adams for follow up.

Mr. Hancock asked if Mr. Cramer can make the report to the U.O.C. now that they have clarification with regard to the Sunshine Law. Mr. Cox agreed with presenting factual statements of what occurred. Mr. Hancock noted that Mr. Brown has been making the report;

however, he is not in attendance at each meeting and the Boards passed a motion for Mr. Cramer, U.O.C. Co-Chair, to be the spokesperson.

Mr. Janek commented that the CDD vests look great.

Mr. McAuley asked for audience comments.

Regarding the approved plan for the Bay Cedar portion of the hedge, Mr. Kane asked if the hedge height can be altered from 15 to 12 feet. Mr. Adams agreed that it will be more usable in the ten to 12-foot range.

Mr. Kane commented that Mr. Kucera and the crew members have done an excellent job and appear to care about the community they are working in. The residents are very happy that those particular people are on the job.

Mr. Kane advised that the residents showed the Supervisors the cedar trees, one at a time. He stated that most of the trees are effective foliage. Mr. Kane advised that the top foliage is not in anyone's way and does not contribute to the shade; the trees that are causing the shade are palm trees, oaks and olives, which could be trimmed back. He noted that the residents have names for the cedar trees.

Mr. Kane reported that there are a number of areas that will need to be filled in where growth has occurred out from the main trunks. He advised that his driveway juts out into the curb; along the driveway, the hedge has come out ten feet, almost touching his driveway. Once it is cut back, there is a property line issue. Mr. Kane inquired about an area that will have no room for a second layer, once it is trimmed. Mr. Adams explained that the hedges will recover. The areas where there is room were identified.

Mr. McCarthy stated that, after viewing Mr. Kane's property and the buffer, he pulled the plat and there is a "saw tooth" at the end of the driveway. Someone planted a ficus in the triangular piece of property. Mr. McCarthy asked Staff to consider whether that particular ficus is redundant. He stated that, if it were removed, the hedge would come around the corner at the edge of the property.

Mr. Kane indicated that at the end of Bay Cedar, on the right-hand side, there is a ficus tree, which looks diseased. The leaves at the top have black dust on them and he is concerned that it may spread.

Mr. Kane thanked the Boards for approving the budget for the plantings.

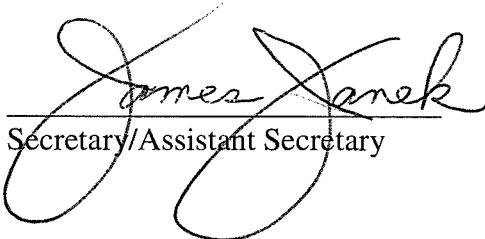
Mrs. McCarthy thanked the Supervisors for the safety vests for the employees.

FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair

ACTION/AGENDA ITEMS:

1. **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
2. **ACTION ITEM:** Mr. Kurth to follow up on grass carp permitting
3. **ACTION ITEM:** Assess cul de sacs throughout the community for maintenance and landscaping issues
4. **ACTION ITEM:** Mr. Barraco to continue to provide the status of certifications.
5. **ACTION ITEM:** District Counsel to send reminder letters to Ritzman, Har-Tru, etc. regarding illicit discharges
6. **AGENDA ITEM:** Lake Maintenance Activities Report – Bill Kurth & Phoslock proposals
7. **ACTION/AGENDA ITEM:** Mr. Kucera –Reduce height of ficus hedge between Bay Cedar and Spring Creek Park
8. **ACTION ITEM:** Mr. Adams to provide year-end unaudited financial statements to both Boards
9. **AGENDA ITEMS:** Continued Discussion: SFWMD Final Notice of Noncompliance Permit Conversion and Transfer to Operating Entity – Pelican's Nest Permit
10. **AGENDA ITEM:** Continued Discussion/Update: Remedial Actions Taken by PLCA Regarding Clay Runoff at Tennis Facility
11. **ACTION/AGENDA ITEM:** Mr. Kucera to pull water sample from Lakes E-1 and E-2 during next rain event. Mr. McCarthy to accompany him
12. **ACTION/AGENDA ITEM:** Mr. Adams to provide plant list for Spring Creek Phase II
13. **ACTION ITEM:** Unaudited Financial Statements: Mr. Adams to look into \$4,653 under 'miscellaneous revenue'