

**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, March 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
Michelle Blackstock	Grau & Associates
Jet Tipton	PLCA Liaison
David Caldwell	WCI Communities, Inc.
Bill Kurth	LakeMasters
Roger Brown	UOC Representative
Charlotte McCarthy	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Pledge of Allegiance**

Mr. McCarthy 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. McCarthy 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.

Mr. McCarthy introduced Mr. Jet Tipton, newly elected member of the PLCA Board of Directors. He indicated that Mr. Tipton is the designated PLCA's liaison to the CDDs.

Mr. McCarthy acknowledged Mr. Jesse Mosheim, a deceased member of the Bayside Improvement CDD Board, who passed away on April 2, 2009.

**THIRD ORDER OF BUSINESS**

**Public Forum**

Mr. McCarthy asked if any members of the public wished to address an item on the agenda. No members of the public spoke and the next item followed.

**JOINT MEETING ITEMS**

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

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

Mr. Bill Kurth, of LakeMasters, reported that major sonar applications will begin next week. Submersed vegetation is actively growing so this is the best time to treat.

Mr. Kurth stated that significant improvements were made in Lake E-5. Lake D-10 continues to be a problem; it will be raked tomorrow, in an effort to remove more slender spike rush. Mr. Kurth noted that there are very few treatment options.

Mr. Hancock inquired about Lakes E-1 and E-2.

Mr. Kurth recalled his concerns, noted in past reports, with regard to Lake E-1 because the submersed vegetation is growing out of check. He indicated that the lake looks pretty good because the vegetation is utilizing much of the nutrient. Mr. Kurth advised of noticeable buildup around the edges and quite a bit more algae. He explained that, when submersed vegetation is treated, it dies, releases its nutrient and decomposes, which creates horrific algae blooms. The more vegetation there is in the lake, the more algae blooms there are when it is treated.

Mr. Kurth indicated that utilization of nutrient by the growing plants, along with the additional plantings that were authorized by the Board, have resulted in a decreased amount of algae but, eventually, if the submersed vegetation is not treated, the entire lake will be covered with it.

Mr. Pritt asked if there were as many complaints as there were last year. Ms. Crismond stated that it has been quiet.

Mr. Kurth advised that three different residents stopped LakeMasters' applicators this week to thank them for the appearance of the lakes. He stated that there will always be a problem lake here and there but, overall, they are way ahead of where they were a year ago.

Mr. Hancock requested an email from Mr. Kurth when he feels it is time to treat Lake E-1, as treatment must be approved by the Palm Colony board. Mr. Kurth voiced his opinion that the time to treat was several months ago; he will send the email immediately. Mr. Kurth suggested a sonar application for Lake E-1 to get control of the submersed vegetation and not spraying the algae until they see how bad it gets.

**BAYSIDE IMPROVEMENT ITEMS**

**FOURTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report  
for Fiscal Year Ended September 30,  
2012, Prepared by Grau & Associates**

Ms. Michelle Blackstock, of Grau & Associates, presented the Audited Financial Report for the fiscal year ended September 30, 2012. Ms. Blackstock referred to the Independent Auditor's Report and advised that it is considered an unqualified opinion, meaning it is a clean opinion. She indicated that the balance sheet for the governmental funds, located on Page 8, shows total assets of \$1,603,156, which exceeded liabilities of \$67,771. On September 30, 2012, there was a total fund balance of about \$1.5 million.

Ms. Blackstock referred to Page 10, Statement of Revenues, Expenditures and Changes in Fund Balances, and pointed out that total revenues were approximately \$2.3 million. Expenditures were slightly higher, at \$2,347,382, resulting in a slight deficiency of \$32,712, for the fiscal year. On Page 12, Ms. Blackstock noted total current assets of \$438,368. The total assets, including capital assets, were \$944,042, which exceed current liabilities of \$63,631. At the end of the fiscal year, total net assets were \$880,411.

On Page 13, Ms. Blackstock reported that total operating revenues were \$372,223, which was slightly less than operating expenditures of \$387,678. Ms. Blackstock stated that there was interest income of about \$215; however, there was a slight deficiency of \$15,240, which lowered total net assets to \$884,011.

Mr. Blackstock reviewed the Report on Internal Controls over the Financial Reporting, located on Page 27, and indicated that this is a clean report. No deficiencies in internal controls or material weaknesses were found.

Ms. Blackstock explained that the Management Letter is issued pursuant to the rules of the Auditor General for the State of Florida. Items I and II, on Page 29, indicate no current or prior year findings or recommendations.

**FIFTH ORDER OF BUSINESS****Consideration of Resolution 2013-3,  
Accepting the Audited Financial Report  
for the Fiscal Year Ended September 30,  
2012**

Mr. McCarthy presented Resolution 2013-3 for the Board's consideration.

<b>On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Cramer, with all in favor, Resolution 2013-3, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2012, was adopted.</b>
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**BAY CREEK ITEMS****SIXTH ORDER OF BUSINESS****Presentation of Audited Financial Report  
for Fiscal Year Ended September 30,  
2012, Prepared by Grau & Associates**

Ms. Blackstock presented the Audited Financial Report for the fiscal year ended September 30, 2012.

Ms. Blackstock referred to the Independent Auditor's Report and advised that it is considered an unqualified opinion, meaning it is a clean opinion. She indicated that the balance sheet for the governmental funds, located on Page 8, shows total assets of \$617,994, which

exceeded liabilities of \$18,135. At the end of the fiscal year, the total fund balance was \$599,859.

Ms. Blackstock referred to Page 10, Statement of Revenues, Expenditures and Changes in Fund Balances, and noted that total revenues were approximately \$527,176. Expenditures were slightly higher, at \$541,782, resulting in a slight deficiency of \$14,606, for the fiscal year, which lowered the fund balance to \$599,859. On Page 12, Ms. Blackstock noted total current assets of \$177,404 and capital assets of \$254,037. The total assets were \$431,441, with total liabilities of about \$22,000. At the end of the fiscal year, total net assets were \$409,499.

On Page 13, Ms. Blackstock reported that total operating revenues were \$98,534 and total operating expenditures were \$129,681, resulting in a deficiency of \$31,063, after taking into account \$84 in interest income, for the year.

Ms. Blackstock reviewed the Report on Internal Controls over the Financial Reporting, located on Page 26, and indicated that this is a clean report. No deficiencies in internal controls or material weaknesses were found. Ms. Blackstock explained that the Management Letter, located on Page 27, is issued pursuant to the rules of the Auditor General for the State of Florida. There are no current or prior year findings or recommendations for the Board.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2013-4, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2012**

Mr. McCarthy presented Resolution 2013-4 for the Board’s consideration.

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Pritt, with all in favor, Resolution 2013-4, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2012, was adopted.**

Mr. Hancock asked if Ms. Blackstock, or a member of her staff, visited the property in connection with the audit. Ms. Blackstock replied, in the current fiscal year, we did not.

Mr. Hancock suggested that Ms. Blackstock visit the property next year.

**JOINT MEETING ITEMS**

**EIGHTH ORDER OF BUSINESS**

**Engineer's Report**

There being no report, the next item followed.

**NINTH ORDER OF BUSINESS**

**Update: Ongoing Activities Related to Permit Transfers**

Mr. Barraco explained that the water management system currently under District control was approved by two permits. The first permit is for the Pelican's Nest system. That system was certified and the certifications were accepted. The next step is to formally transfer the Pelican's Nest permit to operation and maintenance, under the control of the District. Mr. Barraco recalled that, prior to transfer, it was suggested that Staff review all of the assets that are mapped and confirm that there are easements over those assets so that the CDDs have a legal right to maintain them.

Referring to two maps of Pelican's Nest, Mr. Barraco pointed out the lakes and lake interconnects that must be maintained by the CDDs and which have all of the proper ownership or easement records. Mr. Barraco explained that the areas denoted in red were dedicated to the homeowners associations (HOAs) and property owners associations (POAs); it must be verified that the Districts have a right to enter these areas, prior to formal acceptance.

On the second map, Mr. Barraco referred to the blue areas signifying the eight areas in which the Districts are required to obtain general easements, for maintenance, which is the next step in completing the map process. In preparation, legal descriptions for each area must be completed. Mr. Barraco estimated the cost to be \$300 to \$500, each. Once the legal descriptions are completed, the District Attorney will contact those who have the authority to grant the easements. In the meantime, Mr. Barraco will send a letter to South Florida Water Management District (SFWMD) explaining his findings and ask for more time to complete the process.

Mr. Patterson asked who the owners are that will have to grant the easements. He pointed out that it is clear in the areas with HOAs; however, areas with no HOA, only have property owners. Mr. Barraco voiced his opinion that the owner of the underlying land would grant the easement. Each plat will establish who the underlying owner is.

Mr. Cox indicated that it would be by deed or the land will still be with WCI. Mr. Cox voiced his opinion that WCI would be glad to participate.

With regard to the issue of the dedication, Mr. Cox explained that there may be some areas where, when the plat was completed, there were no dedications and rights were later established by a separate recorded deed or easement. Mr. Cox recalled that there were several lakes that were intended for the HOAs to own; however, in those circumstances, he presumed that the Districts were granted easements.

Mr. Barraco stated that, in every instance, the areas were dedicated to the Pelican's Nest Community Association. Mr. McCarthy advised that some were dedicated to the Pelican Landing Community Association (PLCA). He was unsure whether any were dedicated to local HOAs. Mr. Barraco indicated that all areas have a reference to a plat, book and page number. The information will be provided to the District Manager.

Mr. Patterson stated that, in 1996, WCI worked with the golf course to clarify the question of easements. New plats were produced at that time, one for Bay Creek CDD and one for Bayside Improvement CDD. Mr. Patterson suggested that Mr. Barraco try to find those particular plats, as many of the easements are correctly numbered.

Mr. McCarthy suggested sharing the document with Mr. Caldwell so that WCI can see what is there, as well.

Mr. Barraco reiterated that the land that encompasses both CDDs includes two water management permits. He recalled that many of the certifications were not completed by the previous District engineers. Mr. Barraco indicated that approximately 15 control structures do not meet the tolerance criteria. An estimate will be obtained from a contractor to bring those structures into compliance. Once the repairs are made, the certifications will be completed. After all certifications are completed, the same process will be followed for the balance of the system. The assets will be viewed to ensure that proper easements or ownership are in place and then the formal transfer to operation and maintenance will be finalized.

Mr. Pritt asked if cost estimates will be provided in time for the budget discussions. Mr. Adams confirmed that the budget workshop will be held on the third Friday in July and the budget adoption will take place at the August meeting. Mr. Barraco replied affirmatively.

In response to Ms. McVay's question regarding repair costs, Mr. Adams indicated that Staff will contact WCI to determine their participation. He pointed out that WCI has an interest in getting the structures to a condition where they can be transferred to the Districts.

Mr. McCarthy pointed out that WCI has cooperated with the Districts throughout the entire process and does not foresee them not cooperating, in this regard.

**TENTH ORDER OF BUSINESS**

**Continuing Update: Activities to Remediate the Tennis Courts Illicit Discharge Issue**

Mr. Adams referred to the communications provided by PLCA with regard to a proposal to install an underground drain with brick pavers around the perimeter of the tennis facilities, which were provided for informational purposes.

Mr. Barraco stated that the concept being proposed is good; however, it is designed in such a way that the new system accepts all of the runoff leaving the tennis courts. He noted that the detailed grade must be examined to ensure that the system will work properly.

Mr. Adams indicated that copies of Mr. Cox's follow-up letters to each of the entities that were part of the illicit discharge concerns were provided for informational purposes.

Mr. Hancock inquired about the letter that was to be sent to Ritzman Tennis (Ritzman), pursuant to the motion approved by the Boards. He pointed out that Ritzman is the company that has been picking up dead Har-Tru and probably placing it in the parking lot. Mr. Hancock indicated that, in the future, Ritzman needs to protect the Districts' storm sewers from illicit discharge and stressed the importance of their involvement. Mr. Cox will send a letter to Ritzman.

Mr. McAuley voiced his understanding that the PLCA is obtaining bids to remediate the illicit discharge problems. Mr. Tipton clarified that an engineer will provide detailed engineering drawings prior to the PLCA obtaining bids. Mr. McAuley asked Mr. Tipton to keep the CDD Board Members apprised of their progress.

In response to a question from Mr. Cramer, Mr. Barraco recalled that the golf course maintenance facility began restoring the conveyance swale and dry retention area. He voiced his opinion that the golf course facility will not benefit from the new program, as it is specifically for runoff from the tennis courts themselves.

Mr. Cramer noted that Mr. Cox's letter indicated that the PLCA is participating in the proposed remediation; however, it is obvious that the tennis courts owned by The Colony are sloped into the drainage system and also pose a problem.



Mr. Cox explained that the correspondence was based on his understanding that the drainage patterns were different for The Colony courts. Mr. Barraco agreed and stated that the remediation that was discussed, with regard to the trench drains and grading, was specific to the PLCA courts where green runoff was visually seen.

Mr. Cramer stated that he has observed material coming off The Colony courts, commingling with the other material and entering the sewer. As a resident of Pelican Landing, Mr. Cramer hoped that the PLCA would not be tasked with the remediation, only to have it contaminated by their neighbor. He recalled stating, in the past, that everyone should work together but there appears to be a disconnect.

Mr. Crew indicated that, when he visited the site during the last major rain event, the drainage pit next to The Colony's maintenance shed was producing more green discharge than the Pelican Landing courts. It was flowing into the storm drain and discharging into the lake next to Palm Colony. In the attempt to find a solution, Mr. Crew voiced his opinion that an inordinate amount of time was being spent focusing on the PLCA and none on The Colony.

Mr. Cramer stated that the design should be completed collectively.

Mr. McCarthy indicated that he had the same observation as Mr. Crew and Mr. Cramer and there is little doubt in his mind that there is runoff from The Colony courts, as well. Mr. McCarthy stated that the PLCA should coordinate with The Colony.

Mr. Patterson asked if the three entities identified as having illicit discharges should be notified of the CDDs NPDES plans. Mr. Barraco advised that the records will indicate that the Districts are taking action. Next year's report will continue to establish documentation with regard to how the remediation is proceeding and what steps were taken.

Mr. Patterson asked if identification of the three discharge areas will trigger action by the Florida Department of Environmental Protection (FDEP) or higher levels of administration. Mr. Barraco did not expect it to rise to that level. He advised that suspended solids are not significant contaminants.

Mr. Barraco stated that the Boards' observations are much better because they are on site after a rainfall and can see exactly what is occurring. He asked the Boards to document their observations including the date, time and exact location.

With regard to Mr. Patterson's previous question, Mr. McAuley noted that the four entities involved include Pelican's Nest maintenance, The Colony golf course maintenance and

the two tennis courts. Mr. Adams confirmed that The Colony tennis court was not identified in the NPDES report and not recognized as a contributor to the illicit discharge, at the time. Mr. Adams explained that there is a cutoff date for the report and this issue came to their attention after the annual report cutoff date.

Mr. Adams stated that, when the next annual report is prepared, he hopes to be able to recognize the illicit discharge as a prior year event and add The Colony tennis court, as well. He also anticipates having the remedies in place by the report cutoff date, in September.

Ms. McVay stated that she hopes The Colony will take the same actions that were taken by Pelican Landing. She indicated that, if there is a problem on one set of tennis courts, it makes sense that the others might have the same problem, whether it is this year or the next. If a solution is found, it is best to apply it to both sets.

Mr. Adams stated that, ultimately, it will be The Colony's decision if, and how, they will address the issue on their courts, as the Districts are not in a position to mandate.

Mr. Glueck requested to have a representative from The Colony attend the next CDD meeting to discuss runoff issues at the tennis courts.

With regard to the Har-Tru Safety Data Report, Mr. McCarthy asked if it is the intention of the PLCA to encompass the entire perimeter of the tennis courts with the drain to prevent discharge from anywhere on the courts. Mr. Tipton reiterated that the PLCA contracted with an engineering firm to provide a recommendation. Once the recommendation is received, it will be shared with the CDDs.

Mr. McCarthy noted that the recommendation may not be consistent with what is in the Har-Tru report.

**ELEVENTH ORDER OF BUSINESS****Consideration of Annual NPDES Report**

Mr. Barraco indicated that the Annual NPDES Report, being presented for the Boards' consideration, must be filed tomorrow.

Mr. Adams recalled that the Districts went through a lengthy process to establish Standard Operating Procedures (SOPs), which govern the Districts' activities. At the time, the SOPs took into consideration certain activities that Lee County was going to implement on behalf of the Districts with regard to the Interlocal Agreement.

Mr. Adams explained that the activities in this permit cycle are very similar to what has been done in the past. The report recognizes such things as illicit discharges and erosion on construction sites. The CDDs must take an affirmative position in terms of addressing those with the property owner and notifying Lee County because, ultimately, the county has the land development codes and ordinances to handle enforcement. Mr. Adams advised that Lee County looks to the Districts to identify problems and move forward with remediation.

Mr. Hancock referred to the Adopt-A-Road Program for Coconut Road, located on Page 4 of the report, and pointed out that maintenance of Coconut Road is being paid for by Empire Tax Service. Mr. Adams explained that, in that particular situation, reporting is a Lee County responsibility, as the program is under an agreement whereby the CDD has the right to operate and maintain a higher level of landscape program there.

Referring to Page 7, Mr. Hancock noted that the Districts have published public education information. Mr. Adams indicated that the information provided was not as formal as it would have been had it been the Districts' responsibility.

Mr. Adams advised that, on the Districts' website, the numbers regarding illicit discharge reporting by a citizen were posted, as well as information with regard to hazardous waste materials and where to drop them off.

Mr. Hancock clarified that he was referring to the information regarding fertilizer that the Districts published in the Pelican Landing weekly newsletter. Mr. Adams explained that the information is a "pass through" and not the Districts' policy.

Ms. McVay noted that the NPDES report indicates there are documents explaining how to clean the storm sewers and asked if it is the CDDs' responsibility to clean them. Mr. Adams replied, only to the extent that the Districts own the road system.

Ms. McVay stated that the only reason the PLCA owns the road system is to have a gated community. Mr. Adams agreed.

Ms. McVay asked why the storm sewer inlet structural control inspection and maintenance documents were included if the sewers are not the CDDs' responsibility. Mr. Adams explained that, for the system that is owned and operated by the Districts, there is a map with an asset list of facilities that are the responsibility of the Districts. It does not include all of the inlets and pipe work that receive and convey stormwater. It includes the lakes, interconnecting pipes, the control structures and storm sewers related to the trunk's drainage

system but not the secondary system, which is comprised primarily of roadways and the parcel neighborhood drainage systems.

Further discussion ensued with regard to maintenance of the storm drainage system. Mr. McCarthy relayed that a proposal was made to PLCA, which it was rejected; no response has been received since.

In response to a question, Mr. Adams explained that the application of the SOPs are only anticipated to be to those facilities which the Districts own, operate and control, as a governmental entity. The Districts are not required, nor do they have the authority to apply those to any privately owned facilities within its boundaries.

Ms. McVay indicated that she would like the PLCA and the CDDs to work together to make this the best community in Florida. Mr. McCarthy assured Ms. McVay that the Boards have endeavored to be cooperative on this issue and will continue to cooperate.

Mr. Pritt stated that part of working together is each party understanding, recognizing and then acting upon their responsibility; they are at the understanding or recognizing stage.

Mr. Hancock noted that another issue driving the discussion is whether the owner of a property, such as a catch basin, has to replace it when it breaks, in the future.

Mr. Patterson pointed out that some of the readings obtained for Spring Creek are increasing, particularly the new ones for copper and zinc, and asked if problems should be anticipated in those areas. Mr. Barraco explained that the primary concern is nitrogen and phosphorous. Staff saw nothing in the report that was alarming.

Mr. Pritt voiced his concerns with the language contained in Attachment 5 to the NPDES Report and in the Interlocal Agreement. Mr. Cox explained that the Districts have regulatory authority to implement ordinances and regulations. If a violation is noted during the operation of the Districts' facilities that must be addressed, in accordance with the SOPs, the offending party must be notified. If nothing is done, the issue is taken to the regulatory authority over the area.

Mr. Pritt stated that the parties are entering into an Interlocal Agreement with the Districts that has a provision that they do not have the authority to enter into.

**On MOTION for Bay Creek by Mr. McAuley and seconded by Mr. Janek, with all in favor, the Annual NPDES Report, as presented, was approved.**

**On MOTION for Bayside Improvement by Mr. Hancock and seconded by Mr. Patterson, with all in favor, the Annual NPDES Report, as presented, was approved.**

**TWELFTH ORDER OF BUSINESS**

**Consideration of Interlocal Agreement Providing Joint Control of Pollutants**

Mr. Adams noted that the Interlocal Agreement was an attachment to the NPDES report and asked that it be considered separately, for the record. He explained that the Boards have seen the agreement, in substance, in the form of a responsibility matrix that was used to prepare the SOPs and it has not changed.

Mr. Pritt expressed a concern, for the record, with regard to Section Six, Legal Authority. He specifically referred to the words “adopt, modify or amend” any ordinances, resolutions, etc. and questioned their authority to do so. Mr. Pritt requested to have someone review the verbiage for future interlocal agreements.

**On MOTION for Bay Creek by Mr. McAuley and seconded by Ms. McVay, with all in favor, the Interlocal Agreement Providing Joint Control of Pollutants, was approved.**

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Crew, with all in favor, the Interlocal Agreement Providing Joint Control of Pollutants, was approved.**

**THIRTEENTH ORDER OF BUSINESS**

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

This item was discussed earlier in the meeting.

**FOURTEENTH ORDER OF BUSINESS**

**Discussion: High Users**

Mr. Adams recalled the question of whether anything was being done proactively, on the billing side, to draw attention to customers that they need to curb their habits. He referred to the highlighted language contained on the high user bill. Mr. Adams explained that this particular

address is on Tuscany Court in The Colony, where the home sites are allocated 48,000 gallons per month. Overage is billed under the penalty rate structure.

Ms. McVay reported that one home in Bay Creek combined two lots into one. She advised that the owners are assessed one allotment for two lots and asked if anything can be done, in this situation.

With regard to irrigation, Mr. Adams indicated that Bay Creek has a monthly allocation of 60,000 gallons. He explained that, generally, with a larger piece of property, there is a larger house with a larger driveway and a larger impervious area that does not require irrigation. The property owners have an opportunity to request a variance if they feel that they are not receiving a proper allocation of irrigation water in comparison to other properties within their neighborhood. The variance request comes before the Boards for consideration.

Ms. McVay indicated that she will have the property owners contact Mr. Adams for an evaluation. Mr. Adams stated that the first thing he will ask for is a copy of the survey and the plot layout of the property, which will show the square footage of green space versus square footage of the impervious area.

Mr. Hancock asked if it is feasible to add a sentence to the bill indicating the maximum amount it should be if consumption is not exceeded. Mr. Adams will look at removing the sentence "Please adjust your timer as necessary" and replacing it with "The maximum bill for your total monthly allocation should be...".

Mr. Pritt noted the possibility that allocations are too low. Mr. Adams indicated that they were based on an engineer's review 15+ years ago. He discussed the criteria used to determine allocations for each neighborhood.

Ms. McVay stated that if there is a problem in a particular neighborhood, it must be addressed; the Boards should evaluate whether things have changed over 15 years.

Mr. McCarthy pointed out that only three homeowners in Tuscany had overages this month. He indicated that putting the information on the water bills got the homeowners' attention.

Mr. McCarthy stated that Tuscany is no different now than any other neighborhood. He pointed out that, out of approximately 3,000 customers, the number of overages is now down to 50. Mr. McCarthy stressed that the Boards have been addressing the issue and he took offense to Ms. McVay indicating that they have not; they have done their best. He indicated that the Board

Members are not going to knock on residents' doors and tell them that they are using too much water.

Mr. Adams felt that the suggestion, to remove the sentence about the timer and add the information about the maximum bill as it relates to monthly allocation, should help the homeowners to better quantify what they should be paying versus what they are currently paying.

Ms. McVay clarified that she meant no offense; she heard that Tuscany was a problem.

Mr. Crew offered to attend the Tuscany HOA meeting to advise the board about the high users.

Mr. McAuley suggested investigating the rates before budget discussions begin in order to adjust the rates accordingly.

**FIFTEENTH ORDER OF BUSINESS**

**Approval of February 25, 2013 Joint Regular Meeting Minutes**

Mr. Adams presented the February 25, 2013 Joint Regular Meeting Minutes and asked for any additions, deletions or corrections.

The following changes were made:

Line 40 & throughout: Change "Centa" to "Sontag"

Line 140: Change "ownership" to "operational"

Line 154: Change "PLCA" to "Pelican's Nest golf course and The Colony golf course maintenance facilities"

Line 224: Delete "the" before "much"

Lines 276 & 283: Change "E-1" to "E-2"

Line 426: Change "Herring" to "Heron"

Line 495: Change "the creek and on Coconut Point" to "Coconut Road and Spring Creek Road"

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Pritt, with all in favor, the February 25, 2013 Joint Regular Meeting Minutes, as amended, were approved.**

**On MOTION for Bayside Improvement by Mr. Hancock and seconded by Mr. Cramer, with all in favor, the February 25, 2013 Joint Regular Meeting Minutes, as amended, were approved.**

▪ **Action Items**

*\*\*\*This item, previously Item 17A, was discussed out of order.\*\*\**

Mr. McCarthy reviewed the action/agenda items.

With regard to Item 7, Ms. Crismond indicated that replacement of the screens on the fence was completed; reducing the height of the ficus hedge between Bay Cedar and Spring Creek Park remains. The second portion of the item was continued.

For Item 14, Mr. McCarthy advised that all Board Members received the PDF of the Spring Creek Phase II plans. Mr. Adams noted that the plant list will be provided. This portion of the item was continued.

Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, and 18 were continued.

Items 12, 13, 15, 16, 17 and 19 were deleted.

**SIXTEENTH ORDER OF BUSINESS**

**Old Business**

There being no old business, the next item followed.

**SEVENTEENTH ORDER OF BUSINESS**

**Other Business**

**A. Action Items**

These items were discussed during the Fifteenth Order of Business.

**EIGHTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Cox advised that he has not seen any action regarding the discussions related to bills for changes to special districts broadly and community development districts, narrowly. He has reviewed materials that should be available shortly, which should not affect long-time established CDDs.



Mr. Pritt recalled seeing something about a bill related to special districts; however, he did not know whether it applied to CDDs. He noted that the bill was tabled, temporarily.

Mr. Pritt advised that the legislature is in session and stressed the importance of staying informed of district related legislation.

**B. Manager**

**i. Approval of Unaudited Financial Statements as of February 28, 2013**

Mr. McCarthy presented the Unaudited Financial Statements as of February 28, 2013.

Mr. Patterson inquired about a line item under “street lighting services” in the amount of \$4,900. Mr. Adams indicated that it is related to repainting the street lights.

Mr. Patterson noted high tree trimming expenses under “landscaping maintenance services”. Mr. McCarthy explained that the Lykins Signtek, Inc., bill was misallocated to tree trimming, as reflected on Page 30 of the check register. Ms. Crismond stated that this will be corrected.

**ii. Savings & Money Market Account/Investment Snapshot as of 03/18/13**

This item was provided for informational purposes.

**iii. Irrigation High User Report**

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

Mr. McCarthy noted that the high user report was previously discussed and the penalty usage summary was provided for informational purposes.

**iv. NEXT MEETING DATE: April 22, 2013 at 2:00 P.M.**

The next meeting will be held on April 22, 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.

**NINETEENTH ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors’**

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

Mr. McCarthy asked if any members of the audience wished to address the Supervisors.

Mr. Roger Brown, UOC Representative, asked the meaning of NPDES. Mr. Adams explained that it stands for National Pollutant Discharge Elimination System and it is a nationwide water quality improvement mandate.

Mr. Brown asked if any action was being taken with regard to joining the Bay Creek and Bayside Improvement CDD Boards. Mr. McCarthy replied, not at this time and explained that it is not a question of joining the Boards; it is a question of dissolving them and reforming.

Mr. Hancock noted that there could be substantial costs involved, up to \$100,000, as well as a four-to-five year payback.

▪ **ADJOURNMENT – BAY CREEK**

*\*\*\*This item was an addition to the Agenda.\*\*\**

There being no further business to discuss, the Bay Creek CDD adjourned.

**On MOTION for Bay Creek by Mr. McAuley and seconded by Mr. Glueck, with all in favor, the Bay Creek CDD meeting adjourned at 3:48 p.m.**

**BAYSIDE IMPROVEMENT ITEMS (Continued)**

**TWENTIETH ORDER OF BUSINESS**

**Consideration of The Colony at Pelican Landing - Plat 1**

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

Mr. David Caldwell, of WCI Communities, Inc., (WCI) presented The Colony of Pelican Landing - Plat 1, which is a condominium called Terzetto at the Colony, located at the southeast corner of The Colony.

Mr. Caldwell referred to the preliminary plat, located behind Tab 19, prepared by Q. Grady Minor and noted that it includes the Terzetto condominium. Mr. Caldwell explained that WCI is also platting the right-of-way for Colony Boulevard, which he located on a map.

Mr. Patterson asked when the lakes will be completed in Terzetto. Mr. Caldwell advised that most of the improvements are in. He located Phase I and Phase II on the map and pointed out where sales were recently released, noting that there are 69 residential condominium units in total. Thus far, there were three sales.

Mr. Patterson asked if Mr. Caldwell will agree to install aerators in the lakes. Mr. Caldwell advised that is part of the deal.

Mr. Hancock asked if the District’s lake maintenance contractor toured the sites. Mr. Adams replied no but adjustments were made in the contract. Mr. Hancock indicated that the contractor should see them during construction, as well.

Mr. Hancock asked when the District will be expected to begin maintaining the lakes. Mr. Caldwell stated not until they are turned over; any maintenance prior to turnover is WCI’s responsibility. Mr. Hancock asked if the District’s contractor would be used. Mr. Caldwell indicated that he would be willing to use the District’s contractor, as WCI does not have one.

Mr. Adams suggested adding an amendment to the District’s contract to include the lake, obtaining a proposal from the contractor for the amendment and sending a periodic bill to WCI, to offset the cost.

**TWENTY-FIRST ORDER OF BUSINESS**

**Consideration of Resolution 2013-4, Relating to the Acceptance of Responsibility for Ownership, Operation and Maintenance of District Infrastructure within the Boundaries of the Plat of The Colony at Pelican Landing - Plat 1**

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

Mr. McCarthy presented Resolution 2013-4 for the Board’s consideration. He indicated that he wished to amend the language contained in the last line of Paragraph 4, adding “and the approval of SFWMD” after “Certificate(s) of Compliance”.

**On MOTION for Bayside Improvement by Mr. Hancock and seconded by Mr. Cramer, with all in favor, Resolution 2013-4, Relating to the Acceptance of Responsibility for Ownership, Operation and Maintenance of District Infrastructure within the Boundaries of the Plat of The Colony at Pelican Landing - Plat 1, as amended, was approved.**

**TWENTY-SECOND ORDER OF BUSINESS**

**Consideration of Partial Vacation of Easement - Cielo at the Colony**

*\*\*\*This item, previously the Twenty-First Order of Business, was presented out of order.\*\*\**

Mr. Caldwell referred to a map and pointed out a small existing lake on Cielo property, as well as the drainage easement that is in the way of the proposed construction.

Mr. Caldwell requested that the District vacate the existing recorded drainage easement that goes to the lake, to be replaced by new grants of easement for the new drainage facilities.

**On MOTION for Bayside Improvement by Mr. Hancock and seconded by Mr. Crew, with all in favor, partial vacation of the easement for Cielo at the Colony, was approved.**

**TWENTY-THIRD ORDER OF BUSINESS      Consideration of Grant of Easement**

*\*\*\*This item, previously the Twenty-Second Order of Business, was presented out of order.\*\*\**

**A.      Lake Maintenance [WCI Communities]**

Mr. McCarthy presented the Grant of Easement for lake maintenance.

Mr. McCarthy requested to amend the language in the third line, under “Witnesseth”, changing “lake maintenance” to “lake access”.

Mr. Caldwell agreed.

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Patterson, with all in favor, the Grant of Easement for lake maintenance [WCI Communities], as amended, was approved.**

**B.      Drainage & Water Management [The Colony Golf & Country Club, Inc.]**

Mr. McCarthy presented the Grant of Easement for drainage and water management for The Colony Golf and Country Club, Inc.

**On MOTION for Bayside Improvement by Mr. Crew and seconded by Mr. Cramer, with all in favor, the Grant of Easement for drainage and water management [The Colony Golf & Country Club, Inc.], was approved.**

**C. Drainage & Water Management [WCI Communities]**

Mr. McCarthy presented the Grant of Easement for drainage and water management for WCI Communities.

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Crew, with all in favor, the Grant of Easement for drainage and water management [WCI Communities], was approved.**

In response to a question from Mr. Patterson, Mr. Caldwell confirmed that there will be an aerator in the middle of the new lake.

Mr. McCarthy indicated that the county now requires bathometric surveys. He requested copies of the surveys once they are completed. He was unsure whether the City of Bonita Springs adopted the same requirement.

Mr. Hancock inquired about the type of aerators and diffusers used by WCI. Mr. Caldwell will follow up, in this regard. Mr. Adams will provide the standards to Mr. Caldwell.

Mr. Caldwell asked if the Board and Staff have a problem with installation of a decorative fountain in the lake. Mr. Adams stated if the fountain is viewable from the main road, the CDD will be receptive to it but will also require an aerator to help with water quality improvement.

With regard to Action Item 18, Mr. Adams explained that the majority of the \$4,653 under “miscellaneous revenue” is related to revenue received for the flower programs instituted for the neighborhoods. Also, a rebate check was received from the pension company for the employees, which was due from 2008. The two items equal \$4,653.

Mr. Hancock noted that a meeting between Management and the Lakemont Neighborhood Committee will be held on Monday, April 1, to discuss fencing between

Lakemont and Burnt Pine. Mr. Hancock explained that the topic was discussed at a previous UOC meeting and the UOC asked its board to make a motion to ask the CDD to install a fence.

In response to an inquiry from Mr. Patterson with regard to the Spring Creek Road project, Mr. Adams clarified that only the fence line screening is being proposed; no trees are being installed in the right-of-way. He pointed out that the plan calls for sabal palms, with no curbing on the road; however, there is a safety zone issue when there are vertical, upright, solid structures so close to a road.

With regard to the fence, Mr. Adams advised that the type of screening was changed to calusa, as it creates a denser, more reliable buffer.

Discussion ensued regarding the current landscape plan for Spring Creek Road.

Mr. Crew recommended partnering with PLCA to decal the storm water drains. Mr. McCarthy pointed out that they are not the District's asset.

Mr. Tipton indicated that the storm water issue is in progress.

Mr. Crew asked if Lee County sponsors off-site hazardous waste disposals. Mr. Adams indicated that the information is communicated directly, which satisfies the District's NPDES noticing requirements. The interlocal agreement and SOPs acknowledge that Lee County is taking on that responsibility. Mr. Adams explained that the CDDs communicated information through its newsletters and the numbers are also located on the Districts' website homepage.

Mr. Cox clarified that Mr. Crew was inquiring about coordinating a collection in the community and indicated that it could be arranged.

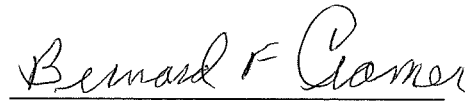
Mr. Adams recommended installing doggie bag dispensers and cans in the parks and common area locations where residents walk their dogs.


#### **TWENTY-FOURTH ORDER OF BUSINESS    Adjournment**

There being no further business, the meeting adjourned.

<p><b>On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Crew, with all in favor, the Bayside Improvement meeting adjourned at 4:34 p.m.</b></p>
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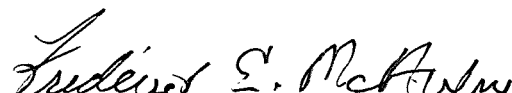
**FOR BAYSIDE IMPROVEMENT:**

  
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. **AGENDA ITEM:** Lake Maintenance Activities Report – Bill Kurth & Phoslock proposals
6. **AGENDA ITEMS:** Continued Discussion: SFWMD Final Notice of Noncompliance Permit Conversion and Transfer to Operating Entity – Pelican's Nest Permit
7. **AGENDA ITEM:** Continued Discussion/Update: Remedial Actions Taken by PLCA Regarding Clay Runoff at Tennis Facility
8. **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
9. **ACTION ITEM:** Mr. Crew to attend Tuscany Isle HOA meeting to advise Board of high users
10. **ACTION ITEM:** Ms. Crismond to correct miscoding on financial statements