

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

A Joint Regular Meeting of the Boards of Supervisors of the Bayside Improvement Community Development District and Bay Creek Community Development District was held on **Monday, April 22, 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
Doug Kucera	Field Manager
Paul Kemp	Irrigation Manager
Kevin O'Connell	Long Lake Resident
Scott Hamm	Golf Course Superintendent, The Colony Golf Club
Bob Sontag	Resident, Palm Colony
Jet Tipton	PLCA Liaison

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

▪ **Landscaping and Irrigation Reports**

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

Mr. Doug Kucera, Field Manager, reported that, since the last meeting, the winter annuals were removed and soil was added to the beds, where needed. The summer annuals will be Vinca and will be planted the week of April 29. In Pelican Landing, the colors will be white, lavender and deep lavender and, in The Colony, they will be burgundy, violet and apricot.

Mr. Kucera advised that, this week, the hedge along Bay Cedar will be cut to a height of 12'. The hedge side, facing Bay Cedar, will be trimmed in June. The turf and landscape in Pelican Landing and The Colony will be fertilized in the middle of May.

Mr. Kucera indicated that quotes to paint the Bay Creek CDD light posts to match the mailboxes are pending.

Mr. Crew asked to meet with Mr. Kucera at the tennis center to review the landscaping.

Mr. Hancock noted that The Colony requested that signs be posted whenever spraying takes place and speculated that this does not occur consistently. Mr. Kucera indicated that, when he saw spray technicians in The Colony, pesticide signs were in place. Mr. Hancock asked about the rest of the community. Mr. Kucera will look into this.

Mr. Paul Kemp, Irrigation Manager, reported that about two inches of rain was received in the last two weeks and the lake levels are low. Mr. Kemp stated that the majority of homeowners are watering twice per week. Everything looks pretty green.

Mr. Kemp cautioned that, even when the rains begin, it is important to keep water use down because it will allow water levels to rise in the wells.

Mr. Kemp reported that the well located on Parkway, behind the pump station, is being refurbished.

With regard to the fountains in the lakes, Mr. Cramer asked if the pumps and the fountains will suck up mud and other material, as the water level drops. Mr. Kemp indicated that it is conceivable, as at least three of the pumps are on shore, with an intake in the lake; however, he does not know whether the levels are dropping far enough for it to become an issue. Mr. Cramer advised that, yesterday, when he was playing tennis, he noticed that the fountain in Lake E-2 was surging and had brown dirt but the bubblers were okay. Mr. Kemp explained that, when the motor is going bad, it may cause surging. Mr. Kemp will check into it.

Mr. McCarthy inquired about the issue on Goldcrest, near the tennis center. Mr. Kemp explained that there were wiring problems that recently resurfaced; however, it appears that the cause was identified. Mr. Kemp advised that many control wires were rerouted to correct the problem.

Mr. McCarthy pointed out that a number of crew members were not wearing safety vests and asked Mr. Kemp to ensure that they wear them.

Mr. Crew reported that, on the east end of Lakemont Drive, on the west side of the street, near the storm drain area, there is always water running, which may be a leaking irrigation pipe.

Mr. Hancock pointed out that, last year, the large fountain, at the south gate, was turned off due to low water, which may happen again this year. Mr. Kemp stated that he is trying to avoid it; however, if the level drops, it may be necessary.

THIRD ORDER OF BUSINESS

Public Forum

Mr. McCarthy recalled that Mrs. Florence Poggi, Long Lake UOC Representative, spoke to the Board regarding the lake behind her home in Long Lake. At that time, the Board explained that the monoculture would be enhanced with a wider variety of plants, under this year's budget. Subsequent to that, Mr. McCarthy heard that Mr. O'Connell had issues and contacted him to ask if he would like to meet with Mr. McCarthy and Mr. Adams, on site. Last Thursday morning, Mr. Adams and Mr. McCarthy met with Mr. O'Connell to discuss his concerns.

Mr. McCarthy stated that, subsequent to their meeting, Mr. O'Connell asked Mr. McCarthy to accompany him to Collier's Reserve, in Naples, to view the littoral plants, as an example of what Mr. O'Connell believes littoral plants should look like. Mr. O'Connell and Mr.

McCarthy met this morning and toured Collier's Reserve. Mr. McCarthy took several photographs, which were forwarded to Mr. Adams.

Mr. O'Connell explained that the amount of spike rush in Lakes C-3 and C-4, on the east and west side of Woodsage Drive, has caused much dissatisfaction among the residents for quite some time. Mr. O'Connell advised that he was representing the homeowners who wrote to him, in this regard. He pointed out that these issues were addressed satisfactorily, in the past, so there is a precedent regarding the overgrowth of plants.

Mr. O'Connell stated that Mr. Jack Sample, a resident, could not attend the meeting but asked Mr. O'Connell to read his opinion. Mr. Sample indicated that he was the UOC representative in 2006 and 2007; he took on the lake problems, which were the same as they are today. At that time, the weeds were cleaned up. Mr. Sample advised that, although they were considered good, the weeds can be bad when they close or damage the lake. He informed Mr. O'Connell that what he is being told is different than what he was told.

Mr. O'Connell advised, for the record, that these issues were managed in the past. He pointed out that there are three elements of dissatisfaction, the first is quality of life. Mr. O'Connell noted that residents have retired or live in Long Lake and want to enjoy their community; if the environment bothers them, it impacts their quality of life. Mr. O'Connell stated that aesthetics is another factor directly related to quality of life, as well as the value of real estate.

Mr. O'Connell distributed a handout with photos of Lakes C-3 and C-4. The first photo showed the east side of the east lake, at the end of Castleberry and Casio, looking south. He noted that the spike rush extends out about 20' along the entire left side of the lake. The second photo showed the west side of Lake C-4, at the end of Heron Point. The third photo showed the bottom of Lake C-3, looking north. Mr. O'Connell indicated that the entire left side of the lake has spike rush. In the upper right-hand portion of the photo, Mr. O'Connell noted the convergence where the weeds from Photo 1 come back and end up looking like Photo 4, where more than half of the lake view is weeds. Mr. O'Connell stated that the spike rush have grown for so long that they are not going away unless something is done. Mr. O'Connell suggested dredging the pond or treating it.

Mr. O'Connell distributed information obtained from LakeMasters' website and read the following:

“Your choice is clear. Beautiful lakes that are environmentally sound. Effective aquatic weed and algae control is what can make the difference between lakes that are healthy and aesthetically pleasing, and those that are an eyesore.”

Mr. O’Connell stressed that the important word is “and”. The residents do not have to settle for only aesthetically pleasing or only environmentally sound, they should expect both and the District can deliver both.

Mr. O’Connell read, “We always customize our treatment plan for every lake and every community.” He noted that only sections of Lakes C-3 and C-4 have a problem. A custom plan is not required for the entire lake, only the sections where there is a problem.

Mr. O’Connell read, “We take a proactive approach to lake management, and we plan for early and frequent treatments in order to insure that major problems are forestalled...” Mr. O’Connell indicated that, if LakeMasters is directed to do what he and others would like to see them do, proactive frequent treatments will mitigate the problem and keep it from coming back in an environmentally safe manner.

Mr. O’Connell stated that he spoke with three real estate brokers and asked whether the condition of the lakes makes a difference; they all agreed it is very important. Mr. O’Connell asked about the difference in the value of properties with very attractive lakes versus lakes that have issues, or no lake. One broker indicated that all he has to do is look at the price of a home with no lake view and the same type of house with a lake view. The estimate differs by \$200,000 or \$300,000. Mr. O’Connell also noted that the view is substantially different during rainy season, when the lakes are up, and when it is very dry. One broker noted that the price of a house differs between \$50,000 and \$100,000, when the view is good versus when the lake is dried up or there are problems.

Mr. O’Connell stated that, if he were to take pictures of different homes or lots on the lake, show them to various real estate assessors and ask if the lot is worth more, less, or the same, based on the view, the answer would be obvious. Mr. O’Connell stressed that the issue is not only quality of life; the residents who are complaining are disadvantaged regarding the value of their properties.

Mr. O’Connell noted that the lakes on the golf courses have a fraction of the collar of beneficial plants that Lakes C-3 and C-4 have and a combination of flowering plants and spike

rush, about 5' deep. At Mr. McCarthy's suggestion, Mr. O'Connell toured the littoral lakes on the southern end of the property and they look better because there is a nicer variety of plants and the collar of beneficial plants ranges from 2' to 5'. Mr. O'Connell questioned whether Lakes C-3 and C-4 need 20' of beneficial plants to make them environmentally sound and voiced his opinion that the answer is clearly no.

Mr. O'Connell asked why the problem exists and why it continues. After speaking with residents, the consensus of opinion is that this was one of the first lakes under the 1993 changes with regard to beneficial plants around the perimeter. Mr. O'Connell remarked that there is no question that the lake is defective. The soil depth is about half of what it was designed to be; thus, the lake is producing results that were unintended.

Mr. O'Connell noted that Mr. Hancock provided information that included a definition of a weed as a plant that is growing out of place. It also explains that if weeds interfere with the pond, there are bad versus good plants, even if they are good plants. Mr. O'Connell noted that it is never the policy of the CDD to remove any beneficial shoreline plants. Mr. O'Connell pointed out that the lake has beneficial plants that could be defined as weeds that are good for the environment but are overabundant, in terms of what is needed to keep the lake ecologically healthy. He stressed that there is visual evidence that the lake is flawed because the problem does not exist anywhere else.

Mr. McAuley advised that this issue will be addressed under Item 7, later in the meeting, and thanked Mr. O'Connell for his presentation.

Mr. O'Connell stated that he would specifically like the CDD to modify its policy with regard to removal of beneficial plants, to include rare exceptions, with the exception being a defective lake that needs to be addressed in a nonstandard way. Mr. O'Connell further requested that the Board direct Staff and LakeMasters to devise a proactive plan for removing weeds and restoring the lake to where it would be if the lake were not defective. He pointed out that April and May are the best month for treatment.

JOINT MEETING ITEMS

FOURTH ORDER OF BUSINESS

Discussion: PLCA Mitigation Activities related to Tennis Court Runoff

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

Mr. Scott Ham, Golf Course Superintendent, reported that bids are currently being accepted to place a concrete gutter around the tennis courts to collect runoff. He advised that areas are being identified for building a retention pond to collect runoff.

Mr. Cox stated that the concern, on the part of Pelican Landing, was the conflict within the community, to the effect that they were not doing their part. Mr. Cox wanted everyone to know that the plans are in place and they are moving forward, as quickly as possible, to ensure that the golf course is not contributing to the problem or causing a problem at another location.

Mr. McCarthy asked if a registered engineer was retained. Mr. Ham replied no. Mr. McCarthy advised that permits will be required from South Florida Water Management District (SFWMD) prior to commencing with the project. Mr. Ham indicated that the contractors will pull the permits.

Mr. Hancock noted that there are flags at the end of the maintenance facility on Spring Creek Road, where there is a retention area and a culvert. Mr. Hancock asked if the retention area is being cleaned. Mr. Ham replied affirmatively and noted that it will be dug out about 6". He advised that the roots that were growing in the culvert were killed and removed, as much as possible.

Mr. Cramer asked if Mr. Ham will be working in concert with Pelican Landing, once bids are obtained, or if the project will be independent. Mr. Ham stated that the real issue is with Pelican Landing's tennis courts and not The Colony's courts. He explained that Mr. Ritzman, the contractor who will perform the work, is also looking at a solution for the Pelican Landing courts. Mr. Ham voiced his opinion that it would be in the contractor's best interest to complete the work together.

For the record, Mr. Ham indicated that The Colony's General Manager notes that The Colony was not out of compliance and has done nothing illegal; The Colony is performing this work in good faith.

FIFTH ORDER OF BUSINESS**Engineer's Report**

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

With regard to water quality, Mr. Barraco advised that many treatment systems were implemented but no data is available to conclusively indicate how well they work.

Mr. Barraco reported that he was recently advised that a state department was given a grant to begin researching which types of water treatment systems work best and how much they can be expected to do, given the design and implementation.

SIXTH ORDER OF BUSINESS

Update: Ongoing Activities Related to Permit Transfers

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

Mr. Barraco recalled providing a worksheet, at the last meeting, showing easements that are not in place. Mr. Barraco is working with Mr. Cox, in this regard. Mr. Barraco advised that the Pelican Nest system is certified and ready to be officially transferred to the CDD once the required easements are in place.

With regard to the remainder of the system, Mr. Barraco noted that some control structures are not within tolerance for acceptance, per the SFWMD's standards. Mr. Barraco is working with Mr. Adams and WCI to bring them into tolerance.

Mr. Patterson requested presentation of a timetable for permit transfers, at the next meeting. Mr. Barraco stated that some will be speculative; however, he will outline the steps that must be accomplished for final transfer.

Mr. McCarthy asked if the document that was sent to the Board, electronically, was truncated. Mr. Barraco indicated that he will resend it.

Mr. McCarthy pointed out that some easements are missing or lacking from the plan and asked if Mr. Barraco is pursuing this issue. Mr. Barraco explained that all of the plats referenced on the worksheet were investigated and the easements that are on the plats, relative to the water management system, are shown. Mr. Barraco explained that he can only review records and plats that were recorded; there is no title work and no exhaustive search for other easements. Mr. Barraco stated that, if Mr. McCarthy feels there are recorded plats that have easements but are not shown, he must investigate further, as there may be easements that he is not privy to. Mr. Cox indicated that there are several, which he will provide.

Mr. McCarthy pointed out that the easement at the top of Bay Cedar goes between two homes and onto the golf course, crosses the golf course and discharges into a drainage structure on Goldcrest Drive. He indicated that the portion on the golf course is missing on the plan. Mr. McCarthy stated that he reviewed the county records and, when the development order was

approved, the plans contained no easement for that section of drainage pipe. Mr. McCarthy stated that Mr. Barraco researched Pelican's Nest, Unit 5, which is where he expected it would be and which is a problem. Mr. Barraco will look into this.

Mr. Barraco explained that the easements were overlaid on a map of known assets. He suspected that the piece of pipe connecting to the lake was not originally shown on the map. Mr. McCarthy indicated that the pipe takes the street drainage from the north end of Bay Cedar Drive and discharges into Goldcrest. From Goldcrest, the discharge travels south, where there is another missing easement, and goes into the lake. Mr. Barraco suspected that the two pipes are not on the asset map, which is why they are not seen. Mr. McCarthy pointed out that many pipes are not on the asset map.

Mr. Barraco noted that, when he became involved with the Districts, he used the available resources to build an asset map. Mr. McCarthy stated that the assets should not be on the map because they are not maintained by the CDDs; however, the SFWMD document should be comprehensive. Mr. Barraco clarified that the document should include anything that the CDDs will be expected to operate and maintain. Mr. McCarthy pointed out that discharges from the roadways to the lakes are not CDD maintained but are all on the map. Mr. Barraco explained that the map will continue to be refined, over the next several years. Mr. McCarthy stated that all changes must be consistent with what Staff feels is correct. Mr. Adams will work with Mr. Barraco, in this regard.

Mr. Patterson advised that nine golf holes do not appear on the map, seven of which are in Bay Creek. He asked if Mr. Barraco was only discussing Bayside Improvement. Mr. Barraco explained that the discussion relates to the facility that is included and known as the Pelican Nest Water Management System, as defined by the environmental resource permit. With regard to the certifications, Mr. Barraco indicated that the document that he abides by is the actual permit that was issued to construct those facilities; anything in the permit is the subject of what is being discussed. Mr. Patterson asked when the permit was issued, noting that the nine holes referenced were not built until 1994. Mr. Barraco feels that is why they were not included.

Mr. Patterson pointed out that the Pelican's Nest Community Association was the name of the community before it became Pelican Landing. Mr. Barraco stated that the language used was taken from the plat, which is why he is reviewing the details to ensure that they are correct.

SEVENTH ORDER OF BUSINESS

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

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

Mr. McAuley asked if there were any questions regarding the Lake Maintenance Activities Report. Ms. Crismond noted that Mr. Kurth was not in attendance.

There were no questions or comments.

Mr. Adams discussed Staff's position regarding Mr. O'Connell's request and presentation. He explained that, in 1993, a mandate was issued by SFWMD, through Lee County, whereby, if a stormwater lake was constructed, from 1993 forward, it must contain a littoral shelf. The first 20' of width is on a 6:1 slope; beyond that, the slope is 4:1. The plant material that is put in, referred to as beneficial aquatic plants, grows in waters up to 3.5' deep.

Mr. Adams advised that, when a lake is constructed, the planting requirements are one plant per linear foot of shoreline. The seeds find their way to the soil, grow and thicken so that 85% of the littoral shelf will have coverage, preventing the impurities that wash off from yards and golf courses from entering the lake, along the entire perimeter. The plants help to stabilize the soil to prevent washouts and they slow the energy of the water as it enters into the lake, allowing the suspended solids to drop out, and hold the water in that area, with the fertilizers, and absorb them. The water quality is improved before it discharges through the lake system.

Mr. Adams indicated that the community has been developing over 25 years and the mandate was issued during the development of the property. As a result, there is an area where the lakes were not excavated with the littoral shelf and it is difficult for plants to establish and to remain on the shelf. Mr. Adams explained that other lakes were constructed after 1993, which have successful plant shelves; however, none are as successful as Long Lake. There, the spike rush had grown very well and, as a result, the water quality is impressive; the water column is very clear.

Mr. Adams noted that, in The Brooks, which was constructed post 1993, a large portion of the littoral shelves look like Long Lake. Lee County, SFWMD and the Department of Environmental Resources Management (DERM) look at The Brooks as the "poster child" of what lakes should look like.

Mr. Adams explained that aeration is a nonchemical, noninvasive way to improve water quality. He stressed that plants and aeration are the primary keys to successful improvement of water quality.

A moment of silence was observed in recognition of the Boston bombing.

Mr. Adams discussed the benefits derived from beneficial plants and noted that the goal of many communities in this area is to have the lakes look like those in Long Lake; he would hate to see that undone. Mr. Adams voiced his understanding of the desire to reach a happy medium between the requirements of nature, the requirements of the permit and the desires of the investors that must look at the shelf when it is not what they envisioned when they purchased their homes.

Mr. Adams asked Mr. Barraco if there is an opportunity, from an engineering permit perspective, to cut the beneficial plant population in half without a compliance issue. Mr. Barraco noted that the extent of the benefits from littoral plants is not established; therefore, it is difficult to determine the optimum amount necessary. Mr. Barraco stressed the importance of maintaining the minimum requirements of Lee County, the City of Bonita Springs and SFWMD, if the decision is made to harvest the plants.

Mr. Patterson asked if there are beneficial plants that do not thrive as well in water. He pointed out that spike rush appears to be aggressive and wondered if there are others that are not as aggressive. Mr. Barraco explained that most littoral plants are there to be either on the water's edge or in the water. Potentially, the spike rush in Long Lake may grow more aggressively because they are on a flatter slope.

Mr. Patterson asked about surveying the lake to determine the elevation of the slope. Mr. Barraco advised it is a simple process.

Mr. McAuley inquired about the possibility that increased littoral growth out into the lake is the result of the low levels of the ponds and if much of it will die as a result of the spring and summer rains and increased water levels. Mr. Barraco explained that, during the dry season, the plants creep out to the depth that they thrive in; when the water rises up during the wet season, they are in an area where they no longer thrive.

In response to a question from Mr. Janek with regard to changing the depth of the lake, Mr. Barraco explained that, if the elevation is raised, allowing the water to begin discharging, the maximum stage is raised by the same quantity, in the event of a flood.

Mr. Crew asked if the lake in question is part of the lake study being conducted by Florida Gulf Coast University (FGCU). Mr. McAuley replied no.

Ms. McVay noted that residents who live around the lake say that the spike rush does not die in the summer. She suggested determining the depth of the lake 20' out; if it is too shallow, options can be considered. Ms. McVay also noted that part of the concern is that all of the plants are the same type. She felt that, if there were a variety of plants among the spike rush, the lake may look better and real estate prices may increase.

Mr. Barraco stated that it would not hurt to obtain measurements in one or two sections to determine the slope in the areas where there is much growth; however, in order for the information to be useful, it must be related to the elevation of the water. He suggested having a survey crew find the elevation of the water and the slope. With regard to replacing the existing beneficial plants, Mr. Barraco noted that the water quality of the lakes looks very good but some do not like the aesthetics.

Mr. Cramer stated that he has been a resident of Long Lake for 12 years and he has observed the evolution of the spike rush. In some areas, it has grown extensively; however, he understands that the nutrients wash into the lakes. Mr. Cramer advised that he lives on the water and, when a storm occurs, the water flows right up. If many of the plants are removed, washout will occur on the perimeter, which is very expensive to repair.

Mr. Cramer indicated that he knows that residents care, as does he; however, there are 150 homes in the general area and the Boards must be concerned for all of the residents. Mr. Cramer voiced his agreement with Mr. O'Connell, especially regarding the east end. The Districts must determine whether anything can be done, legally, and, if not, what options are available.

Mr. Barraco reiterated that littoral plants help with nitrogen, phosphorous and pollutants but they also strengthen the soil to prevent erosion.

Mr. Hancock stated that, in October, 2008, as president of the neighborhood committee, he took a delegation and stood at a location in Long Lake with a representative from the county, the city and an unnamed representative from the CDD. All of the representatives felt that the lake looked fantastic. Mr. Hancock indicated that he was very disappointed because the delegation thought that something would be done. At that time, Mr. Hancock did not know about littoral shelves, nor did he realize the purpose of the beneficial plantings. Mr. Hancock

voiced his opinion that the best solution is diversity of plants and he recommended removing some of the spike rush to create pockets. Mr. Hancock felt that the taxpayers would not pay to have the lake dredged at this time.

Mr. Crew stressed that they must also look at the Districts' overall position in the larger community of the Southwest Florida Water Management District (SWFWMD). He pointed out that red tide affects tourism, fisheries and property values and they need a balanced overall approach. Mr. Crew liked the concept of plant diversity; however, he feels they must consider all of the lakes and treat them equally. Mr. Crew recommended tasking LakeMasters to complete an assessment of the spike rush growth and provide feedback.

Mr. Pritt stated that there is a need to begin thinking long term about dredging the lakes. He suggested looking at the cost during budget season.

Mr. McCarthy conveyed that he was torn because he is the CDD representative that stood with the Long Lake delegation and this is one of the best water quality lakes in Pelican Landing. Mr. McCarthy noted that this issue has been ongoing for a very long time. He does not feel that the issue is dredging the lake. Mr. McCarthy pointed out that, if the lake was built to a 6:1 slope and spike rush survives in 3.5' of water, the slopes were constructed properly. Mr. McCarthy voiced his opinion that the slopes are flatter than those of any other lakes in Pelican Landing, which is the reason for the wide band of plants. The extent of littoral shelf growth does not occur in the other lakes.

Mr. McCarthy stated that he tried to put himself in the position of the residents of Long Lake. He explained that the lake he lives on continues to be one of the worst in the community, nutrient-wise but it was also one of the worst in terms of algae growth and one of the inspiring reasons that he ran for the CDD. Mr. McCarthy voiced his opinion that, if the Board Members can make residents happy by reducing the width of the littoral shelf and not violate any rules, he was inclined to reach out to those residents and see what can be done.

Mr. McAuley suggested that Ms. Crismond and LakeMasters discuss options and convey the results at the next meeting. Mr. McCarthy asked to be involved.

Ms. Crismond commented that she and Mr. Adams are currently conducting the yearly audit. While reviewing each of the lakes, they will determine if it is a candidate for littoral removal and will provide that information to the Board for review and consideration, once the audit has been completed.

Mr. Patterson inquired about the cost to survey selected areas to determine the slope. Mr. Barraco advised that the slope would be a few hundred dollars.

Mr. Barraco recommended that, if the Boards decide to harvest some of the beneficial plants, they first advise the local and state government, as a courtesy. If a committee is formed to choose littoral plants, Mr. Barraco suggested that the members visit the Naples Botanical Gardens, as they have examples of littoral plantings and may be able to provide some ideas.

EIGHTH ORDER OF BUSINESS**Discussion/Consideration: Lake E-1 Treatment**

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

Mr. Adams noted that there are submersed aquatics in Lake E-1; the question is whether to allow LakeMasters to treat the lake, since the Boards promised, at the request of the Palm Colony Association, not to perform any further treatments on this lake.

Mr. Adams reported that Mr. Hancock visited with the Palm Colony association board last week and asked if he received any feedback. Mr. Hancock stated that he consulted with Mr. Bob Sontag, the CDD contact, and a board meeting was held the following day. Mr. Sontag was present to provide a report.

Mr. Sontag recalled that, one year ago, Lake E-1 was essentially dead; it looked like a moonscape. There were no littoral plants, the spike rush coming up from the bottom was choking the lake and it smelled like an open sewer. The residents were up in arms and realtors advised that they would never sell their condos for what they should because the view was bad and the lake smelled. Action was taken and the CDD addressed the problem.

Mr. Sontag advised that the decision was made not to treat the lake and an abundance of littoral plants were planted. There have been no treatments for about a year and the lake looks 1,000% better. Mr. Sontag indicated that the littoral plants are growing; however, the slender spike rush that is coming up from the bottom is becoming an issue again and the association board agrees with Mr. Kurth's recommendations. The board also agrees that LakeMasters should immediately begin treating Lake E-1 with sonar to kill slender spike rush before it chokes the lake and the situation reoccurs. Mr. Sontag stated that spike rush, in Lakes E-2 and E-3, should be addressed with sonar applications, as well.

Mr. Sontag pointed out that indiscriminate spraying with chelated copper was largely responsible for killing off littoral plants in Lake E-1. The Palm Colony association board feels that something must be done about the algae but it must be done with great care, as Mr. Kurth recommended.

With regard to dredging, Mr. Sontag asked the CDDs to look at the lakes that are most significantly impacted by sediment and dredge one or two lakes per year until the problems are addressed.

On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Janek, with all in favor, treating Lake E-1, as recommended by LakeMasters, was approved.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Hancock, with all in favor, treating Lake E-1, as recommended by LakeMasters, was approved.

With regard to the PLCA mitigation activities, Mr. Hancock circulated a photo that was taken last Friday, at the tennis courts. He advised that he sent an email, along with the picture of Har-tru, to Mrs. Martel. Mrs. Martel stated that Rodney will be checking the tennis courts daily and look for accumulations of Har-tru that may be washed into the storm sewers.

In response to a question from Mr. McAuley, Mr. McCarthy indicated that the PLCA engaged an engineer, Q. Grady Minor & Associates, P.A. Mr. McCarthy reviewed the contract and the scope indicates the following: "The improvement being considered consists of constructing exfiltration trenches parallel to the tennis courts, courtside grading, placing filters and baffles in the existing catch basins and other methods of particulate removal from water." Mr. McCarthy commented that he is pleased that the PLCA is moving in the right direction.

NINTH ORDER OF BUSINESS

Approval of March 25, 2013 Joint Regular Meeting Minutes

Mr. McAuley presented the March 25, 2013 Joint Regular Meeting minutes and asked for additions, corrections or deletions.

The following changes were made:

Line 33 and throughout: Change “Jeff” to “Jet”

Line 187: Delete “is”

Line 293: Change “are” to “NPDES”

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

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Patterson, with all in favor, the March 25, 2013 Joint Regular Meeting Minutes, as amended, were approved.

▪ **Action Items**

******This item, previously Item 11.A, was presented out of order.******

Mr. Patterson stated that in Line 804, Tuscan should be Tuscany.

Mr. McCarthy requested a status regarding Item 3. Ms. Crismond advised that Mr. Kucera will advise once assessment of the cul-de-sacs is completed. This item is ongoing.

With regard to Item 6, Mr. Adams reported that Mr. Kurth located samples of Phoslock and he is in communication with Dr. Thomas regarding potentially the Phoslock in Lake E-5. Dr. Thomas wants to conduct one more monthly test prior to allowing Mr. Kurth to use the Phoslock. Mr. Adams stated that this item will be finalized at the May meeting.

With regard to Item 7, Mr. McCarthy reported that he notified the residents that have email in Bay Cedar that this was occurring, through the UOC Representative.

With regard to Item 14, Mr. Adams reported that he provided the verbiage for the water bill to the utility department and they hope to have the change on the May bill.

Referring to Item 11, Mr. McCarthy noted that he will be going on vacation. He will meet with Mr. Kucera, tomorrow, to teach the proper technique for taking water samples and provide him with laboratory approved sample bottles to ensure that the samples are taken in accordance with the method suggested by Mr. McCarthy, with the proper devices.

Items 1, 2, 3, 4, 6, 9, 10, 11 and 15 were continued.

Items 5, 7, 8, 12, 13, 14 and 16 were deleted.

TENTH ORDER OF BUSINESS

Old Business

There being no old business, the next item followed.

ELEVENTH ORDER OF BUSINESS

Other Business

A. Action Items

These items were discussed during the Ninth Order of Business.

Mr. McCarthy noted that there were several items in the April 22, 2013 minutes that should become action items.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Hancock asked if Ritzman Tennis replied to his correspondence. Mr. Cox advised that they probably have not had time to respond.

B. Manager

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

Mr. Adams presented the Unaudited Financial Statements as of March 31, 2013. Referring to miscellaneous income, on Page 2, Mr. Adams noted that, in the current month, \$10,000 was received from WCI, related to the Pelican Nest permit transfer.

On Page 3, Mr. Patterson pointed out that Landscaping rentals and leases are at 424% of budget and growing at a rapid rate. Mr. Adams indicated that one lease payment was dropped that should not have been, for a couple of mules. He advised that is the only active lease.

Mr. Patterson inquired about the Roadway repairs and maintenance (parts) line item. Mr. Adams explained that brooms are purchased several times per year and, due to the age of the equipment, normal wear and tear breakdown issues are beginning to occur.

With regard to Operating revenues, irrigation fees, on Page 6, Mr. Patterson noted that, if revenue continues to come in at the current rate of approximately \$9,000 per month, they will be under budget by about \$100,000. Mr. Adams stated that this is seen every year, at this time. He explained that the three highest user months are March, April and May and collections will begin to come in and close the gap. Generally, six months of revenue is received in a three-month

period. He also pointed out that the March 31 revenues are not contained in the March 31 financial statements.

In response to a question from Mr. Patterson, Mr. Adams indicated that there will be a much clearer picture of how revenues were recovered in July and whether they are on target to sustain at the current base rate.

On Page 17, Mr. McCarthy noted that Bayside Improvement's irrigation revenues are at 47%; which is fine. On Page 25, he indicated that Bay Creek's irrigation revenues are at 25%, which is too low. Mr. McCarthy forewarned that he will not approve raising Bayside Improvement's revenues to offset Bay Creek's revenues.

Mr. Adams explained that the difference is the type of usage. Bay Creek is predominantly parcel neighborhoods under the control of one maintenance company. In Bayside Improvement, there are many individual users and single-family homes and there are different opinions regarding the correct amount of water. Mr. Adams noted that the high user reports consist predominantly of Bayside single-family users.

ii. Savings & Money Market Account/Investment Snapshot as of 04/14/13

This item was provided for informational purposes.

iii. Irrigation High User Report

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

Mr. McAuley noted that there are nine names on the report, which is a significant decrease.

Mr. Crew indicated that he is corresponding with Tuscany Isle UOC. Mr. McAuley stated that six of the nine high users reside in that community.

iv. NEXT MEETING DATE: May 20, 2013 at 2:00 P.M.

The next meeting will be held on May 20, 2013 at 2:00 p.m.

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

This item was provided for informational purposes.

Mr. Hancock advised that the diffusers in Lake E-1 have not been operating properly, for quite some time, and asked if anything has been done. Ms. Crismond indicated that Staff is working on the problem.

Mr. Hancock asked Ms. Crismond to investigate installing another compressor and three additional diffusers in Lake E-1. Ms. Crismond replied affirmatively.

THIRTEENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors’

Mr. McAuley asked for Supervisors’ requests.

Mr. Pritt suggested making Supervisors’ requests a separate item on the agenda, following audience comments, to enable Supervisors to hear the audience, prior to making their final comments.

Mr. Pritt advised that he received a letter from one of his neighbors, who is an architect. Mr. McAuley indicated that the issue is being addressed and that Mr. Hancock, Mr. Adams and Ms. Crismond met with the resident.

Mr. Adams explained that Mr. Hancock contacted him to advise that he and Management needed to meet to look at the lake, at the resident’s request. Mr. McAuley then asked to meet on the same issue and Mr. Adams informed him that they had already met with the resident and will work with the resident to resolve the concerns. This issue will be brought before the Board during budget deliberations, once a plan is derived. Mr. Pritt stated that he would like to have input, as well, because he feels that the resident is correct.

Mr. Pritt stated that he drove around the area last week and the tabebuia trees are beautiful everywhere but Bayside Improvement and Bay Creek. He voiced his opinion that it was a mistake for the Boards to make the decision not to put the trees back in; the one surviving tree, at the south entrance, is beautiful. Mr. Pritt commented that the trees are spectacular, especially at this time of year, and he would like to revisit the decision, as they will enhance the community.

Mr. McCarthy stated that he will be on vacation for the next meeting and Supervisor Hancock will Co-Chair on his behalf, for Bayside Improvement. Mr. McCarthy will attempt to attend the meeting via telephone.

Mr. Hancock recalled that, last year, in coordination with the Board, he asked Pelican Landing to send, via a weekly email, a reminder about not using fertilizers with phosphorous and nitrogen during the rainy season. This year, the same request was sent to Pelican Landing who declined to publish the note based on the Lee County and City of Bonita Springs brochure.

Mr. Hancock indicated that he would like to ask Mr. Tipton, the PLCA liaison, to handle an appeal, on behalf of the Boards. He stressed that the information is very important and, last year, it was well received by many residents. The Boards agreed.

Mr. Janek indicated that he received the same letter that other Board Members received and went to Bonita Bay to look at their lake, which is similar to the District's lake. He stated that he was impressed by the fact that they only had a small clump of flowers on the left side of the lake and it made a tremendous difference.

Mr. Hancock noted that he received the same letter and had no idea that others had received it, as well. Mr. Hancock apologized for calling a meeting with Mr. Adams, Ms. Crismond and the resident, as it should have been a Bay Creek Board Member.

Mr. McAuley advised that he and Mr. Hancock communicated with the resident.

Mr. McAuley asked for audience comments.

Mr. Tipton reported that the design for the remediation around the tennis court is expected next week. He advised that the PLCA is expecting bids for road improvements on Wednesday and the contract will be awarded on Friday.


Mr. McCarthy asked that a schedule be provided to Staff once the contract is awarded so that CDD personnel are aware of where roads will be constructed and when.

FOURTEENTH ORDER OF BUSINESS

Adjournment

There being no further business, the meeting adjourned at 3:53 p.m.

FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair

ACTION/AGENDA ITEMS:

1. **ACTION ITEM:** 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:** Mr. Kucera: hedge along Bay Cedar to be cut to 12'; hedge facing Bay Cedar to be trimmed in June; turf and landscape in Pelican Landing and The Colony to be fertilized mid-May
11. **ACTION ITEM:** Mr. Kucera to obtain quotes to paint the Bay Creek CDD light posts to match the mailboxes
12. **ACTION ITEM:** Mr. Crew to meet with Mr. Kucera at the tennis center to review the landscaping
13. **ACTION ITEM:** Mr. Kucera to ensure that signs are in place throughout the community when spraying occurs
14. **ACTION ITEM:** Mr. Kemp to check the motor in the fountain in Lake E-2
15. **ACTION ITEM:** Mr. Kemp to ensure that crew members are wearing safety vests
16. **ACTION ITEM:** Mr. Kemp to check for leaking irrigation pipe on east end of Lakemont Drive, west side of street, near storm drain

17. **ACTION ITEM:** Mr. Barraco to provide timetable for permit transfers
18. **ACTION ITEM:** Mr. Barraco to resend truncated document that was sent to the Boards electronically
19. **ACTION ITEM:** Mr. Cox to provide Mr. Barraco with recorded plats with missing easements
20. **ACTION ITEM:** Mr. Adams to work with Mr. Barraco to update asset map
21. **ACTION ITEM:** Mr. Barraco to have survey crew survey selected areas of the lake to determine the elevation of the water and the slope
22. **ACTION ITEM:** Ms. Crismond and LakeMasters to review lakes for areas to thin out spike rush during lake audit and report findings to Board
23. **ACTION ITEM:** Mr. Adams to treat Lake E-1 with sonar applications for slender spike rush, as recommended by Mr. Kurth
24. **ACTION ITEM:** Ms. Crismond to obtain a cost estimate to install another compressor and three additional diffusers in Lake E-2 and Lake E-1.