

**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, June 24, 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 (via telephone)	Assistant Secretary
John Crew	Assistant Secretary
Bernie Cramer	Assistant Secretary

For Bay Creek CDD:

Frederick McAuley	Chair
Nelson Glueck	Vice Chair
James Janek (via telephone)	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, Jr.	District Engineer
Bill Kurth	LakeMasters
Dr. Serge Thomas	Florida Gulf Coast University
Carl Schwing	City Manager, City of Bonita Springs
Matt Feeney	Director of Public Works, City of Bonita Springs
Ms. Chevelet	Resident

FIRST ORDER OF BUSINESS

Call to Order/Pledge of Allegiance

Mr. McAuley called the meeting to order at 2:00 p.m., and all present recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS

Roll Call

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

THIRD ORDER OF BUSINESS

Public Forum

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

Mr. McCarthy requested that everyone speak into the microphones so that the Supervisors who were attending by telephone can hear.

No members of the public spoke and the next item followed.

JOINT MEETING ITEMS

FOURTH ORDER OF BUSINESS

Presentation: *Annexation, City Manager, Carl Schwing*

Mr. Carl Schwing, City Manager of the City of Bonita Springs, discussed the proposed annexation of certain parcels in the Estero area. Referring to a slide, Mr. Schwing noted the location of the city's boundaries and the proposed annexation area. Mr. Schwing advised that the area to the west is owned solely by WCI and the area to the north is Pelican Landing Community Association (PLCA) property. He explained that they are looking to voluntarily become part of the city so no vote is required by the City Council. It is anticipated that the Council will favorably consider the request.

Mr. Schwing indicated that the area represents about 123 acres, most of which are preserves. He stated that the PLCA is interested in joining the city because of its business friendly attitude.

Mr. Schwing noted that the triangular section of the easternmost part of the land is currently under development. On another slide, Mr. Schwing pointed out the area from the eastern edge of the property, previously referenced, to US 41, and to Coconut Road, which

includes The Colony, Bayside Improvement, WCI properties and some of the PLCA properties, totaling approximately 486 acres. He stated condominiums and single-family residences are on the property and the city is anticipating a referendum to allow the residents to choose whether to become part of the City of Bonita Springs or remain in unincorporated Lee County.

Mr. Schwing explained that, in accordance with Florida Statutes, the city had to ensure that 70% of nonresident owners were in that particular area. Upon review, the 70% requirement was not met, meaning the city may go directly to a referendum, if it chooses. Per Florida statute, if the 70% requirement is met, meaning that there are corporations such as WCI and the PLCA making up 70% of the land area within the property, 50% approval is needed. Between WCI and the PLCA, the 70% requirement has been met; however, the city knows that the Bayside Improvement is a significant landowner in the area. Although it is not necessary for the CDD to consent, the city wants to provide an opportunity for comment.

Mr. Schwing stated that the CDD's ownership is about 92 acres. Because Bayside Improvement is a CDD and it is public, in nature, Attorney General Opinions indicated that District properties are not included in the counts of the acreage to meet the 70% or 50% requirement. Mr. Schwing advised that the city is looking for the Board's consent to go to referendum, to give residents an opportunity to vote.

Mr. Schwing noted that he was asked to advise the Board that the city does not expect anything to change, if the vote is positive. He stated that the vote is anticipated to take place in February, by mailed ballot. If the referendum passes and the property becomes part of the City of Bonita Springs, the CDD's relationship with the city is not expected to be any different than that with the county, except that the city will be more accessible.

Mr. Schwing pointed out that landscaping, maintenance and other CDD functions will remain the same. He explained that the city was having difficulty with the Supervisor of Elections because she did not feel that she had a way to collect the votes of the area in question; however, she was able to do so because of the existence of Bayside Improvement. Mr. Schwing clarified that, when the vote goes to referendum, it will go to the registered voters in that area.

Mr. Schwing indicated that he provided Mr. Adams with the proposed agreement and he will be available to answer any questions that the Board may have. Mr. Schwing expressed the city's appreciation for their positive consideration.

Mr. Schwing introduced Mr. Matt Feeney, Director of Public Works for the City of Bonita Springs. Mr. Schwing voiced his understanding that NPDES is very important to the CDDs and Mr. Feeney is well versed, in this regard.

Mr. McAuley asked if registered owners or registered voters will vote in the referendum. Mr. Schwing replied registered voters. Mr. McAuley confirmed that those who live elsewhere and vote elsewhere will not be included.

Mr. Cramer stated that the square area being discussed is currently in unincorporated Lee County. Mr. Schwing concurred. Mr. Cramer indicated that the area will be brought into the City of Bonita Springs. Mr. Schwing replied that it will be, if it is approved by the voters.

Mr. Cramer asked if there are any differences in the city's charter and the way things are handled versus in unincorporated Lee County. He voiced his understanding that, in some instances, zoning is different, as well as the way business is conducted and asked how the District will be affected.

Mr. Schwing explained that WCI and the PLCA expressed similar concerns and the city entered into consent agreements with them; the city will adhere to whatever they were promised by the county. Mr. Schwing noted that condominium towers are currently under construction in the voluntary area. Although there are height restrictions in Bonita Springs, they will not apply because the county promised something different. Mr. Schwing was unsure of how the city's operations would specifically impact the CDD.

Mr. Schwing stressed the importance of the annexation issue to the City Council and made it clear that this is not a land march for the city. He explained that the city feels it is important because it reconnects the neighborhood. The property should have probably been in the incorporation, in 1999. Mr. Schwing pointed out that there are streets in Bonita Springs that end in the north end and have different services. Residents from the area have communicated with the city's elected officials that they thought they were in Bonita Springs; they wondered why they were not in Bonita Springs and asked what it would take to become part of Bonita Springs, which is why the City Council is responding to their questions and concerns.

Mr. Patterson noted that Bayside Improvement includes the area north of Pelican Colony Boulevard, bounded on the east by US 41 and by Coconut Road on the north; he asked if the area is included in the vote. Mr. Schwing replied affirmatively. Mr. Patterson asked if the remaining portion of Bayside Improvement is to be included in Bonita Springs. Mr. McCarthy

replied yes, if the voluntary annexed areas are included, as well. Mr. Patterson asked about The Tides apartments and the individual office buildings in the northeast corner. Mr. McCarthy and Mr. McAuley replied affirmatively.

Mr. Janek asked if Raptor Bay Golf Club was part of the annexation. Mr. Schwing advised that the annexation will not go north of Coconut Road and does not include the Hyatt property. Mr. Janek asked if it includes the Marina area. Mr. Schwing confirmed that the voluntary annexation will include the PLCA Marina.

Recalling Mr. Schwing's previous comment regarding promises made by the county, Mr. McCarthy explained that the WCI high rises are bound by the zoning, which runs with the land; the city does not have to give WCI anything or take anything away from them. They must rezone the property if they wish to change the current approvals.

Mr. Schwing explained that, once a piece of property is annexed, the city can rezone it or change the land use, if required; however, until that happens, the county's land use and zoning remains in place. The city indicated to PLCA and WCI that any changes made will not be more restrictive than what was authorized by the county.

Mr. McCarthy asked if the city was committed to enforcing the Estero Community Plan within the area, if it is annexed. Mr. Schwing replied no.

Mr. McCarthy recalled that Mr. Schwing stated that the city is giving them everything that the county authorized. Mr. Schwing replied whatever the county gave officially, by land use and zoning, yes. He indicated that he was not aware of what the Estero Community Plan would mean in this particular area.

Mr. McCarthy explained that the plan is part of the land development regulations in Lee County. It includes architectural standards and the types of things that are important to him and many of the residents of Pelican Landing who were opposed to some of the architectural standards that were used on properties adjacent to Pelican Landing. Mr. McCarthy stressed that there are some very valuable elements within that part of the Land Development Code of Lee County which, he feels, are important to preserve. Mr. McCarthy voiced his opinion that Mr. Schwing will hear from the Estero residents, in this regard.

Mr. Schwing stated that Mr. McCarthy's point was well taken. He emphasized that there is no intent, on the part of the City of Bonita Springs, to make that area less than it already is, or could be.

Mr. McCarthy asked Mr. Schwing if he would consider allowing the rest of Pelican Landing to vote on de-annexation, if the results of the referendum are not favorable. Mr. Schwing advised that the decision is not up to him; it is up to the City Council. Mr. McCarthy mentioned that, if residents decide not be part of the city, perhaps they should consider the idea of deannexation.

Mr. Hancock expressed his concerns about the benefits of joining the City of Bonita Springs. He pointed out that his property line is 100' from Estero and they feel no inconvenience that his neighbors are in Estero and he is in Bonita Springs. Mr. Hancock asked for some of the selling points of joining Bonita Springs.

Mr. Schwing clarified that he was there to sell the opportunity to vote. He felt that there would be plenty of time to discuss why the voters should vote one way or the other. Mr. Schwing stated the city's belief that, by having a representative government that is closer than Fort Myers, if residents want to do something with their property, a planning and zoning and permitting group that works for the city is literally down the street. Residents will have accessibility to local government, participation in local government and an opportunity to be represented by elected officials that they know.

Mr. Schwing pointed out that the residents would have an opportunity to partake in the city's amenities, such as parks and recreation activities and the recreation center, at citizen rates. He noted that about 40% of the city's recreation center membership consists of residents who live in gated communities.

Mr. Pritt indicated that, when a property is annexed, it comes under the pre-existing comprehensive plan and pre-existing ordinances, until such time as the city changes the comprehensive plan and changes the ordinances. With the Estero Community Plan being part of the county comprehensive plan, it follows that it is still in place until a determination is made to make the change.

Mr. Pritt advised that he moved into the Bonita Springs side of Pelican Landing on purpose. He stated that, normally, governments do not take a position, as to what other government is willing to govern people; it is an individual right for people to choose by whom they wish to be governed.

Mr. Pritt noted that he has been involved in quite a few annexations, on behalf of governments and, his experience has been that state, federal and district governments tend to be

neutral, which is why the 92 acres owned by the District are not counted, because they are governmentally held. Mr. Pritt indicated that this is really an issue between an annexing government and the people who are being annexed.

Mr. Cox pointed out that, from a practical perspective, when the Districts were building the maintenance facility, they had to deal with the county with regard to modifying the boundaries of the Development of Regional Impact (DRI), zoning and permitting. He recalled that, when the DRI was modified, there was an additional layer of cost because the Districts lie in both the county and the city. If the Districts were to merge, there would be a double cost because approvals must be obtained from the county and the city. Mr. Cox explained that, if there is still time to redraw the boundary, to add the two (2) parcels, the number of voters will not increase but it would get the DRI 100% within the city and the double costs would be eliminated.

Mr. Schwing stated that the City Council took a position that they were not going north of Coconut Road but they probably were not aware of that particular issue. He indicated that he will discuss it with the City Attorney.

Mr. Schwing noted that the city considers itself to be very responsive. He conveyed that, several weeks ago, Ms. Martel contacted the city to express the PLCA's concerns regarding the beach facility, due to high water in the gulf. Ms. Martel requested an emergency declaration to make quick repairs to protect the structures, in case the water overflowed. In 2½ hours, the declaration was drafted and signed by the Mayor. That type of response may not have been provided by the county.

Mr. McCarthy advised that he was one of the proponents of annexation and worked very hard for it. He stated that, if he resided in Estero, he would want to be sure that all of the rights that the county granted were preserved.

Mr. McAuley asked if Mr. McCarthy was asking for a vote from the Bayside Improvement Board. Mr. McCarthy indicated that, since it was not an emergency, he preferred to table the vote until the next meeting.

Mr. Cramer noted that the northern boundary is Coconut Road, from US 41 to Estero Bay. Mr. Schwing clarified the boundaries of the property. With regard to annexation, Mr. Cramer asked if Coconut Road is in Bonita Springs or in unincorporated Lee County. Mr.

Schwing stated that the city has not gone that far. Mr. McCarthy pointed out that this is an important issue because Coconut Road is a county maintained road for most of its duration.

Mr. Patterson commented that he heard that Walden Center Drive and North Commons Drive were never accepted by anyone that WCI offered them to. He asked if Bonita Springs must take responsibility for those roads, if they are included in the annexation. Mr. Schwing clarified that they would take responsibility for the portions of the roads that are in the city.

Mr. McCarthy pointed out that the city has never taken on the maintenance responsibility for the parts of the roads that are in the city. Mr. Schwing replied that is correct. Mr. McCarthy asked why the city would take them now and questioned what has changed. Mr. Schwing explained that WCI asked the city to consider it and the city indicated that would be the appropriate thing to do.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Hancock, with Mr. McCarthy, Mr. Hancock, Mr. Cramer and Mr. Patterson in favor and Mr. Crew dissenting, tabling the vote to approve the referendum until the next meeting was approved. (Motion passed 4-1)

FIFTH ORDER OF BUSINESS

Staff Report: District Engineer

Mr. Barraco indicated that he had nothing specific to report, other than Items 6 and 7.

SIXTH ORDER OF BUSINESS

Continued Discussion: SFWMD Final Notice of Noncompliance Permit Conversion and Transfer to Operating Entity – Pelican’s Nest Permit

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

Mr. Barraco reported that Mr. Cox submitted all of the documents necessary to obtain the few easements needed to complete the transfer process. Once the easements are in place, the permit conversion and transfer of the Pelican’s Nest permit will be finalized.

Mr. Cox confirmed that all of the easement requests were sent for consideration by the various Boards that must grant approvals. He will follow up, this week, to ensure that they have everything they need and to obtain their meeting schedules.

Mr. McCarthy requested to review the final product, before it is presented at a meeting.

Mr. Barraco clarified that, once the easements are obtained, they will be added to the worksheet. At that time, the final document will be presented to the Boards.

With regard to the Pelican Landing permit, Mr. Barraco recalled that, at the last meeting, the Board was given two (2) schedules. He advised that the Pelican's Nest permit is on schedule and work is proceeding on the Pelican Landing permit, consistent with that schedule. Estimates were received, for approximately \$25,000 to \$30,000, for modifications to over 16 control structures needed to finalize the certifications of that system. Mr. Barraco will meet with Mr. Caldwell to continue those discussions. He indicated that the same easement worksheet is being prepared for that system.

SEVENTH ORDER OF BUSINESS**Update: PLCA Tennis Court Illicit Discharge Remediation Activities**

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

Mr. Barraco noted communication between himself and Mr. Adams, with representatives from the tennis center. An on-site meeting was scheduled for today, which was cancelled. Mr. Barraco stated that he visited the tennis facility and was pleased to see that filters were installed at the inlets. The few that he observed appear to be working; solids are building up at the edges and the filters are impeding those solids from entering the stormwater management system.

- **Laboratory Report**

Mr. Barraco indicated that he reviewed the laboratory report and the results do not make sense to him. He concluded that the samples may have been mislabeled.

Mr. Glueck stated that the other conclusion is that there is much ado about nothing. He commented that, if that many solids were entering into Lake E-2, clay would have to be put on the courts every month, which is not the case. Over 18 years, the lake would have filled up.

Mr. Barraco advised that, based on his observations, he was assuming that, to some extent, the solids and the runoff from the tennis facility would be greater than the suspended solids in the lake.

Mr. Glueck pointed out that eight different lakes were sampled and six of the eight lakes have more dissolved solids than Lake E-2. Mr. Barraco agreed that this is what the results show.

Mr. McCarthy stated that no tests were performed for suspended solids in any of the lakes. Mr. Hancock agreed. Mr. McCarthy stated that Mr. Glueck's comment was incorrect. Mr. Glueck clarified that he was referring to dissolved solids.

With regard to the test results, Mr. Barraco confirmed that they were looking at suspended solids. He explained that, if he were conducting the tests, he would test the lake when there is no event because that is the typical condition in the lake. He would then look at the conditions of the runoff during an event in order to determine what suspended solids are being introduced.

Mr. Glueck pointed out that the suspended solids are listed on Page 2, of the laboratory test report, for the lake water and the catch basin water, as well the total dissolved solids. Mr. McCarthy stressed that there was nothing to compare them to. Mr. Glueck stated that they are very low; the parameter of the lake water and the catch basin water is 101.

Mr. Adams indicated that he thought that the lab results were odd, as well. He agreed with Mr. Barraco that a sample should be taken today or tomorrow, when no rain events have occurred for several days, to be used as a comparison. Mr. Adams concluded that, based upon the vote, at the last meeting, the Board Members want to ensure that the PLCA follows through with an abatement program; how they get there is up to them.

Mr. McAuley reported that the PLCA voted to use the Ritzman system, meaning the drain will be inside the court and flow into a catch basin or box. The solids will be trapped there and removed; however, in the case of a hurricane or huge downpour, some of it will go into the lake.

Mr. Glueck noted that the same approach will be used in The Colony, with the same contractor.

EIGHTH ORDER OF BUSINESS**Lake Maintenance Activities Report -
*LakeMasters/Management***

Mr. Kurth reported that algae and grasses are being treated and almost all of the submersed vegetation treatments were completed. Over the past month, bad algae blooms were noted, which may be a result of the large amount of work being done on the golf course, as there are more grass clippings than normal. Also, the rainy season has begun, resulting in nutrient

loading. Mr. Kurth stated that the lake elevations are higher and the irrigation lakes are full, probably because they are not drawing as much water out.

Mr. Kurth indicated that a proposal was prepared for grass carp stocking. He explained that the permit is for a certain section of the community. In any areas of the community where the lakes are newer and there are more littoral plants, grass carp may not be the best option. Mr. Kurth stated that the ponds in question have very few littoral plants. Stocking was performed several years ago, with good success. The ponds are not perfect; however, treatment is not required as frequently and, overall, the ponds look better than before the grass carp were added. Mr. Kurth feels that the lakes could have been stocked at a higher rate and the new permit affords that ability. Restocking some of the lakes will be a true measure of how good a tool they are for the community.

Mr. Kurth discussed Lake B-3. He explained that chara began to pop out and treatments were performed; however, chara does not die from one treatment and it tends to form resistant algae. The lake has been treated twice and will be treated again this week.

Mr. Hancock asked if carp will eat spike rush. Mr. Kurth replied affirmatively.

In response to a question regarding Lake E-6, Mr. Kurth stated that there are no littoral plants. Ms. Crismond explained that there are several lakes that do not have littoral plants because there is no shelf to plant.

On MOTION for Bay Creek by Mr. Glueck and seconded by Ms. McVay, with all in favor, the LakeMasters proposal for grass carp stocking, not-to-exceed \$1,404, was approved.

On MOTION for Bayside Improvement by Mr. Hancock and seconded by Mr. Cramer, with Mr. Hancock, Mr. Cramer, Mr. Patterson and Mr. Crew in favor and Mr. McCarthy opposed, the LakeMasters proposal for grass carp stocking, not-to-exceed \$1,404, was approved. (Motion passed 4-1)

Dr. Thomas noted that he will need to be advised each time a treatment is performed on a lake in order to assess and understand how they function. Mr. Kurth indicated that there are 14 pages of documentation. Dr. Thomas stated that he will review the documentation prior to submitting the final report.

Referring to a slide, Dr. Thomas reviewed the interim report. He indicated that it shows the methodology used and stated that it will not change for the final report. Dr. Thomas pointed out the depth and temperature data and noted how, over time, the temperature changed from cool to warmer and that there is warmer water on top. With regard to conductivity, Dr. Thomas noted that, earlier in the year, the conductivity was less; as the water recedes, the water concentrates and the conductivity increases.

Mr. McCarthy pointed out that the two Supervisors who are on the telephone did not receive the report and the others are seeing it for the first time.

Mr. McAuley asked Mr. Adams to provide a copy of the report to the Board Members.

Dr. Thomas stated that the report describes how the temperature, conductivity, oxygen and all of the other parameters change over time and also explains how the algae changes over time. As the water warms up and concentrates, there is more algae in the water. Eventually, the algae is eliminated with algaecides.

Referring to a slide, Dr. Thomas discussed the tropic status index, which is the health assessment of the pond. He indicated that several ponds are highly nutrophic, meaning they are highly nutrient rich. These will be a challenge to manage. Dr. Thomas stated that Lakes A-13 and A-2 are high in nutrients. Lake E-11 is low in nutrients, which is not necessarily good because there is algae development on the bottom that will eventually come to the surface and float.

Dr. Thomas pointed out that, in order to make affirmative conclusions, the full set of data is required. Once he has a better idea of how the lakes function, he will be able to recommend how to manage them.

Dr. Thomas will attend the next meeting to review his report in greater detail.

Mr. Cramer noted that Lake E-5 is next to Sandpiper Isle and the pool there is leaking. He asked if the leak had any bearing on the pond. Dr. Thomas stated that he has seen where pool water was released into a pond and the impact on the pond is inconsequential.

Ms. McVay asked how LakeMasters affects what Dr. Thomas is doing. Dr. Thomas stated that LakeMasters visually looks at the pond and, if something is wrong, it is treated. He indicated that there is a delay between what he does and what LakeMasters is doing and, sometimes, there is a dynamic that is taking place, such as the algae. Dr. Thomas pointed out that there are some anomalies in the ponds, which is why the data from Mr. Kurth is necessary.

NINTH ORDER OF BUSINESS

Irrigation High User Report

- A. Bayside Improvement CDD**
- B. Bay Creek CDD**
- C. Penalty Usage Summary: *Bayside Improvement CDD***

Mr. McAuley pointed out that the same names appear on the report. He voiced his understanding that this would be an agenda item to discuss ways to curtail the offenses.

With regard to the unit count, Ms. McVay pointed out that two homes in Tuscany were built on three lots and often appear on the list. Ms. McVay contacted the residents and they will probably request a greater water allotment because the homes are on the strap as 1½ lots. She noted that the same is true for the Vanderholly property, in Bay Creek; two lots were made into one, which is one of the reasons why they are always on the list.

Mr. Adams reported that requests were received from one of the properties in Tuscany and from the Vanderholly property. The requests will be subjected to the rule test previously adopted by the Boards and they will be placed on the agenda for discussion at the next meeting.

TENTH ORDER OF BUSINESS

Discussion/Consideration: Quotes for Additional Lighting to Central Fountain

Mr. Glueck explained that, over the last three or four months, residents have asked why the lighting is so nice during the holidays when the lights are on the pergola and the piers and, when it is removed, the regular lighting is nice but does not show off the Central Fountain or the pergola. He stated that he contacted Night Lights to obtain estimates. The first option is to upgrade the existing fixture with LED modules and a 45 to 60-degree beam. The second option is to illuminate the top of the pergola, horizontally, using T-bars at each column and to direct lighting left and right. The third option is to surface mount additional spotlights in the front of the fountain to illuminate the three waterfall basins and arbor features. The total not-to-exceed cost is \$6,050. Mr. Glueck noted that \$4,850 remains, year-to-date, for maintenance of the fountain. He proposed approval of the three options.

Mr. McCarthy asked if three bids were obtained. Mr. Glueck stated that he can acquire two other bids; however, he would first like a consensus of the Boards regarding the three options.

Mr. McCarthy asked if any of the lights are uplights or if they are all downlights. Mr. Glueck replied they are pointing up. Mr. McCarthy pointed out that there is a lighting ordinance in the City of Bonita Springs prohibiting uplighting, which he wrote; however, he did not know if it is enforced. Mr. Adams did not think that it was enforced because the CDDs have uplights everywhere. Mr. Glueck stated that the arbor lighting is down lighting; the only light that is LED is Option 2.

Mr. Crew asked if the Lakemont residents behind Lake B-3 were contacted. Mr. Glueck replied affirmatively. In response to a question from Mr. Crew, Ms. Crismond indicated that she will obtain two additional quotes. She clarified that Mr. Glueck was asking for approval of the not-to-exceed price of \$6,050; if a lower bid is received, that contractor will be used.

Mr. Hancock pointed out that the fountain was paid for with PIC funds and approximately \$9,000 remains. He asked if those funds can be used for the lighting. Mr. Adams clarified that \$11,600 remains, which was transferred to the general fund. Those funds are available to cover the cost.

Mr. Pritt voiced his opposition to the lighting request.

Mr. Cramer was in favor of obtaining additional quotes but indicated that he spoke with Mr. Adams, on other occasions, regarding the abyss that exists between the security posts and the light fixture in Longlake Village. He stated that he would like to speak with the residents who approached him in the past, in this regard, to get their thoughts. Mr. Cramer noted that the light poles between the main entrance and the fountain are 40' high, above the canopy of the trees. He suggested removing the existing poles and replacing them with something that provides better diffusion and additional safety, in conjunction with Mr. Glueck's proposal.

Mr. Hancock recommended obtaining additional quotes.

This item was tabled to the next meeting.

ELEVENTH ORDER OF BUSINESS**Discussion: South Gate Entry
Enhancement Project**

Mr. Glueck recalled previous discussions regarding upgrading the landscaping at the South Gate entrance. He advised that he contacted the Garden Club, as well as the resident who originally proposed this, and no one had a plan for the Boards to review. Mr. Glueck suggested enhancing the landscaping at the entranceway and along US 41, in front of the lake.

Prior to expending any funds, Mr. Glueck voiced his preference to obtain an opinion from the landscaping architect.

Mr. Adams will secure a proposal for landscape architect services and bring it back on the next agenda, for continued discussion.

Ms. McVay asked to include the area behind the monument for Pelican Landing.

TWELFTH ORDER OF BUSINESS

Approval of May 20, 2013 Joint Regular Meeting Minutes

Mr. McAuley presented the May 20, 2013 Joint Regular Meeting minutes and asked for and additions, deletions or corrections.

The following changes were made:

Line 266: Change “Cramer” to “Janek”

Line 268: Change “Janek” to “Cramer”

Line 481: Insert “Prior to Motion, Mr. McCarthy was not in attendance”

After line 542: Insert “Mr. McCarthy rejoined the meeting”

▪ **Action Items**

******This item, previously Item 13.A, was presented out of order.******

With regard to Item 14, Mr. Adams stated that the lake audit will be presented at the next meeting and will address the areas to thin out spike rush.

Regarding Item 17, Mr. Patterson indicated that it appeared that EarthBalance had not performed any work on Wetlands W-1 and W-2; however, he was not there since that time and was unsure of the current status. Ms. Crismond stated that the work was not completed and the item was addressed in the monthly operations report.

For Item 23, Ms. McVay advised that she gave Mr. Adams a list of the neighborhood management companies, as well as the contractors that come and go. Mr. Adams noted that the association contact list, provided to him by Ms. McVay, did not appear to be up to date; approximately 1/3 of the letters that were prepared by Mr. Hancock were returned. Mr. Hancock indicated that he will update the list. This item will be deleted.

Regarding Item 24, Mr. Cox reported that he prepared a Rule which will be placed on the agenda for discussion, at next month’s meeting, for adoption in August.

Items 1, 2, 3, 4, 5, 9, 12, 13, 14, 15, 17, 20, 21, 22, 24, 25 and 28 were continued.

Items 6, 7, 8, 10, 11, 16, 18, 19, 23, 26, 27 and 29 were deleted.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Glueck, with all in favor, the May 20, 2013 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the May 20, 2013 Joint Regular Meeting Minutes, as amended, were approved.

THIRTEENTH ORDER OF BUSINESS Other Business

A. Action Items

This item was discussed during the Twelfth Order of Business.

FOURTEENTH ORDER OF BUSINESS Old Business

There being no old business to discuss, the next item followed.

FIFTEENTH ORDER OF BUSINESS Staff Reports

A. Attorney

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

B. Manager

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

Mr. Adams presented the Unaudited Financial Statements as of May 31, 2013. .

ii. Savings & Money Market Account/Investment Snapshot as of 06/18/13

This item was provided for informational purposes.

iii. NEXT MEETING DATES

- o **July 19, 2013 at 9:00 A.M. (Budget Workshop)**
- o **July 22, 2013 at 2:00 P.M.**

A budget workshop will be held on July 19, 2013 at 9:00 a.m., and the next meeting will be held on July 22, 2013 at 2:00 p.m.

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

Ms. Crismond asked for questions regarding the Field Operations Monthly Status Report.

Mr. Janek questioned the item regarding EarthBalance and the fact that work was not being completed and payment was being withheld. Ms. Crismond explained that EarthBalance was behind schedule and has been working in the wetlands since mid-April. They have not completed their cleanup work and have not been paid.

Mr. McCarthy clarified that this item was related to Mr. Patterson's earlier comment that it appeared that EarthBalance had not performed any work on Wetlands W-1 and W-2 and indicated that the contractor is behind. Ms. Crismond noted that work in the Heron Marsh area is behind, as well.

SIXTEENTH ORDER OF BUSINESS**Audience Comments**

With regard to Lake D-7, Mrs. Chevelet, a resident, commented that the first lake along Green View Drive looks great; however, the second lake looks terrible. She advised that she left three messages for the District, in the last week, and no one responded. Mrs. Chevelet questioned why this particular lake is in such poor condition.

Ms. Crismond explained that Staff is in the middle of the yearly lake audit where all of the culverts, outfall structures and lakes are reviewed and notes are taken with regard to the water quality, etc. A tour was completed on Thursday and Lake D-7 is not the only lake with this issue. Ms. Crismond indicated that she sent a work order to LakeMasters and asked them to rake the lake. She recalled that she and Mr. Adams met with Mrs. Chevelet, on several occasions, in this regard. Ms. Crismond stressed that this not acceptable; the lake looks hideous and she apologized for the fact that Mrs. Chevelet had to look at it.

Mrs. Chevelet pointed out that the lake was last raked on December 20, 2010. Ms. Crismond stated that she was sure the lake was raked since then. Mrs. Chevelet indicated that the workers have been spraying. Ms. Crismond conveyed that they prefer not to rake; raking is a short-term solution and the problem will not go away just because the lake is raked.

Mrs. Chevelet advised that LakeMasters was spraying from a boat, on a regular basis. The water turned green from the product because spraying occurred so frequently. When she inquired, the technician was unable to confirm whether spraying will help.

Mrs. Chevelet noted that plants were installed on the perimeter of the lake; however, they have incorporated themselves into the overgrowth that surrounds the lake and the entire area is a mess.

Mrs. Chevelet conveyed that her home was on the market and a prospective buyer was interested until they reached the back of the house and the buyer asked why the first lake looked so good and this one looked so bad. She asked what to tell the prospective buyers since the lake is so visible from the back of her home. The buyer asked who was responsible for the lake and she indicated that it was the District. Mrs. Chevelet questioned whether Dr. Thomas could offer some suggestions.

Mr. McAuley stated that LakeMasters will rake the lake on Tuesday. Ms. Crismond clarified that the work order was provided; however, she was not sure how quickly they would be able to take care of it. Mr. McAuley confirmed that it will be done in a reasonable time and the lake should improve.

Mr. Janek pointed out that the reason the first lake is so clear is that the water is constantly changed; it is an irrigation reservoir, not a regular pond.

Mr. Hancock asked if this is the lake where three ropes are attached to the fountain. Mr. McAuley replied affirmatively. Mr. Hancock stated that this is the only lake in the community with ropes attached to the fountain and they seem to be interfering with the flow of water, when the wind blows. He also noted that the ropes catch trash.

In response to a comment from Mrs. Chevelet, Mr. McAuley clarified that the fountain is not owned by the District; it is owned by Costa del Sol. The homeowners requested that the fountain be installed.

Mrs. Chevelet pointed out that the District is responsible for the lake and she expected a coordination of effort between the District and the HOA.

Dr. Thomas suggested installing an aerator in Lake. D-7. Ms. Crismond advised that she will obtain a quote.

SEVENTEENTH ORDER OF BUSINESS**Supervisors' Request**

Ms. McVay asked to have an action item to remind the Supervisors about the exact unit count. She noticed that the Districts' unit count differed from the PLCA's count.

Mr. Adams indicated that he will ask Ms. Carlson, who prepares the lien roll, to review the spreadsheet and highlight why there are discrepancies. He explained that the lien roll is prepared from the property appraiser's records and it is updated each year, in the month of June, when the property appraiser is required to provide the updates to each of the governmental entities within their jurisdiction. A strap number is attached to each lot. When multiple lots are purchased, the property appraiser must ensure that there is one strap number and it becomes one property.

Mr. Pritt reported a potential conflict on July 19 and asked to be excused from the workshop.

Mr. Hancock stated that the email received this morning from Pelican Landing contains an article about hurricane preparedness and states that the association manager will be the coordinator. It also indicates that the association manager will be assisted by PLCA staff, The Colony Foundation, property managers and a representative from Bay Creek and Bayside Improvement. Mr. Hancock asked if someone was designated for this purpose.

Mr. Adams advised that he and Ms. Crismond will take the lead and coordinate with District staff, rather than with other entities, because they are focused on the road right-of-ways and ensuring that they are cleared as quickly as possible.

Mr. Cramer stated that the email identified two individuals from the CDD, Mr. Kemp and Mr. Kucera but never once mentioned the Board Members at all. From the standpoint of a resident, Mr. Cramer remarked that he was appalled that the Districts' staff has the vehicles, manpower and tools to help during a hurricane and they need to step forward because there are no emergency numbers to call. Mr. Cramer pointed out that there is an approved list of individuals who may enter and leave but no one from the CDD is on the list, other than Mr. Kucera and Mr. Kemp. He stated that it should be communicated to the residents that there is a chain of command with regard to how the work should be completed.

Mr. Crew volunteered to be the representative from Bayside Improvement, if necessary.

Mr. McAuley noted that the Districts have two Managers; volunteers are not necessary.

Mr. Pritt voiced his opinion that the best thing the Boards can do is to try to be available in case an emergency meeting is necessary. Whatever needs to be done will be done; the Boards' job is to ratify it afterwards.

Mr. McCarthy reported that, several months ago, he met with a resident of Peppermill Court who lives alongside Coconut Road. The resident had two complaints; noise from Coconut Road and Coconut Shores Condominiums, which are directly across the street, and lighting coming from Coconut Shores and from Coconut Road. The resident felt that the buffer along Coconut Road needed to be enhanced to filter the noise and the lights. Mr. McCarthy advised him that the Districts are not in the noise and lighting abatement business but that he and District Staff would look at the buffer to determine what is necessary to get the buffer up to standard.

Mr. McCarthy indicated that he met with Mr. Kucera and Mr. Adams to review the buffer. Mr. Kucera had already met with another resident living further up the street and the gaps were filled in where plants had died.

Mr. McCarthy informed the resident that the issue of noise was the purview of the Lee County Sheriff's Office and instructed him to contact the sheriff's office. He also told the resident that the sheriff must address the issue of noise from Coconut Shores. The resident expressed that much of the noise came from vehicles that were traveling at high speeds up and down Coconut Road. Mr. McCarthy indicated that the sheriff would enforce the speed limits. He also pointed out that if there are problems, Lee County DOT may consider installing equipment to address the issue.

Mr. McCarthy stated that, after the PLCA board meeting, the resident approached him to ask when he would do something about the noise and the lighting. Mr. McCarthy reiterated his explanation and advised him to come to a CDD meeting and make a presentation. The resident wants a wall built; however, walls do not buffer sound.

Mr. Patterson reported that he was approached by the same people. Mr. Adams, Mr. Kucera and Mr. Patterson met with them and found that the ficus trees had thinned out substantially, as a result of white fly, and the plant buffer was not as thick as it was previously. In addition, some of the plants were not the proper height. Mr. Patterson indicated that Mr. Kucera has already reduced the height of the ficus trees. He stated that the trees were higher than the neighbors anticipated and they were going to contact Mr. Kucera to find out why. Mr. Patterson also advised that Mr. Kucera was asked to provide a list of plantings that would be required to restore the landscape buffer on the berm, which is only about ½ the height of the berm further south on Peppermill Court. It is quite steep, so there is not much opportunity for

planting. Mr. Patterson stated that Mr. Kucera must provide plans regarding what is required to restore the buffer.

Mr. Adams confirmed that the ficus is being maintained at about 15' to 16' and the trees are getting too tall. Mr. Kucera cut them back to about 12'. In some areas, there is a second tier of plant material, in the 4' to 6' range, and Mr. Adams is encouraging Mr. Kucera to allow it to grow closer to 8' and then look at areas where a third layer, about 4' high, can be planted and maintained. Mr. Adams stated that the plan will be put together but there is no money available until the fall, in the new budget.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

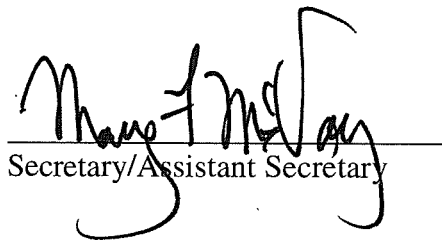
There being no further business, the meeting adjourned at 4:07 p.m.

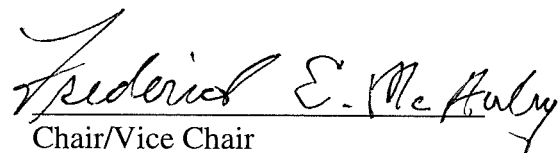
FOR BAYSIDE IMPROVEMENT:


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:** Assess cul de sacs throughout the community for maintenance and landscaping issues
3. **ACTION ITEM:** Mr. Barraco to continue to provide the status of certifications.
4. **AGENDA ITEM:** Lake Maintenance Activities Report – Bill Kurth & Phoslock proposals
5. **AGENDA ITEMS:** Continued Discussion: SFWMD Final Notice of Noncompliance Permit Conversion and Transfer to Operating Entity – Pelican's Nest Permit
6. **ACTION ITEM:** Mr. Kucera to obtain quotes to paint the Bay Creek CDD light posts to match the mailboxes
7. **ACTION ITEM:** Mr. Adams to work with Mr. Barraco to update asset map
8. **ACTION ITEM:** Mr. Barraco to have survey crew survey selected areas of the lake to determine the elevation of the water and the slope
9. **ACTION ITEM:** Ms. Crismond and Mr. Adams to review lakes for areas to thin out spike rush during lake audit and report findings to Board
10. **ACTION ITEM:** LakeMasters to treat Lake E-1 with sonar applications for slender spike rush, as recommended by Mr. Kurth
11. **ACTION ITEM:** Mr. Patterson to provide Ms. Crismond with a list of work to be completed in Bayside wetland areas
12. **ACTION ITEM:** Mr. Kurth to provide Lake Maintenance Activities Report to the Boards prior to the meeting, for review
13. **ACTION/AGENDA ITEM:** Discussion: installation of aerators in Lake E-5
14. **ACTION ITEM:** Mr. Kucera to obtain pricing for employee uniforms and logo and request feedback from crew with regard to uniform preferences
15. **ACTION ITEM:** Mr. Cox to forward email to Boards with regard to new legislation on public input at public meetings
16. **ACTION/AGENDA ITEM:** Mr. Cox to proceed with amendment to Rule Making Policies for adoption by the Boards

17. **ACTION ITEM:** Mr. Adams to obtain the detail related to “Miscellaneous bank fees” to ascertain why the line item is over budget.
18. **ACTION ITEM:** Mr. Cox to follow up, this week, to ensure that the various boards have everything they need with regard to the easements and to obtain their meeting schedules
19. **ACTION ITEM:** Once the easements are obtained and are added to the worksheet, Mr. McCarthy will review the final product before it is presented to the Boards
20. **ACTION ITEM:** Mr. Adams to forward copy of Dr. Thomas’ report to the Boards
21. **AGENDA ITEM:** Dr. Thomas to present Interim Report
22. **ACTION/AGENDA ITEM:** Quotes for additional lighting to Central Fountain
23. **AGENDA ITEM:** Requests for greater water allotment from a property in Tuscany and the Vanderholly property
24. **ACTION ITEM:** Provide unit counts to Ms. McVay
25. **ACTION/AGENDA ITEM:** Ms. Crismond to obtain two quotes for additional lighting to Central Fountain for consideration at next meeting (not-to-exceed \$6,050)
26. **ACTION/AGENDA ITEM:** Mr. Adams to secure proposal for landscaping enhancement for consideration at next meeting
27. **ACTION ITEM:** Ms. Crismond to obtain quote for aeration in Lake D-7
28. **AGENDA ITEM:** Mr. Cox to present Rule regarding public participation at meetings