

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

A Joint Public Hearing and Regular Meeting of the Boards of Supervisors of the Bayside Improvement Community Development District and Bay Creek Community Development District was held on **Monday, December 9, 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 (<i>via telephone</i>)	Assistant Secretary
Robert Pritt	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox (<i>via telephone</i>)	District Counsel
Carl Barraco	District Engineer
Doug Kucera	Field Manager
Paul Kemp	Irrigation Manager
David Caldwell	WCI Communities
Mayor Ben Nelson	City of Bonita Springs
Carl Schwing	City Manager
Dr. Serge Thomas	Florida Gulf Coast University
Jack Lienesch	Resident
Bill Ribble	Chairman, The Colony Resident Council (CRC)
Ann Cramer	Resident
Ben Korbly	CRC Representative
Dr. Stephen McIntosh	Resident
Lamont Olson	Resident
Tom Manuel	Resident

Rick Parker	Resident, CRC Representative
John Ellis	Resident, CRC Representative
Vicki Olson	Resident
Ron Pure	Resident
Gerry Chevillet	Resident of Costa del Sol
Charlotte McCarthy	Resident
John Stapleton	Resident
Gerald Meier	Resident
Residents	

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 state 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 Pritt, Glueck and McAuley were present, in person. Supervisor Janek was attending via telephone. Supervisor McVay was not present.

▪ **Landscaping and Irrigation Reports**

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

Mr. Doug Kucera, Field Manager, reported that the winter annuals were planted. In Pelican Landing, the geranium colors are apple blossom and dark red; in The Colony, they are hot pink and dark red. Mr. Kucera indicated that ten Sabal Palms were added to the Bay Cedar berm to complete the new palate for this area. Pinestraw is being added to the landscape beds in Pelican Landing and The Colony and should be completed within the next few weeks. Palm tree trimming will begin after that and take a few months. Mr. Kucera advised that the Central Park Fountain was down because of issues with the motor. The company that supplied the new motor will return the old one; which will be rebuilt and kept in stock.

Mr. Robertson stated that, in the recent meeting of The Colony, one of the members expressed interest in a coordinated attack on the white fly problem. Mr. Robertson asked if the treatments can be performed at the same time to keep the white fly from spreading to other areas.

Mr. Kucera explained that Staff is performing a drenching of the ficus hedge, which will last up to three months; should an outbreak occur during that period, the ficus will be sprayed and granular will be laid. Mr. Kucera advised that the trees are being injected, for better control.

Mr. Paul Kemp, Irrigation Manager, reported that water levels in the irrigation lakes are stable. No measurable rain was received since the large rain event in September. Mr. Kemp advised that a new well in Bay Creek is helping to keep water levels stable. In Bayside, much of the capacity was lost in one of the larger wells; staff is reviewing options to increase capacity.

Mr. Robertson indicated that a question was raised at The Colony meeting about watering the center part of Pelican Colony Boulevard, where overspray is getting on cars as they pass. He asked if watering could take place between the hours of midnight and 6:00 a.m. Mr. Kemp stated that the timer system determines which zones to turn on, based on gallonage and location, to efficiently spread the water around. Watering must cease at a certain time in order for the residents watering window, which is between 4:00 a.m., and 10:00 a.m. If the common area is watered too far past 4:00 a.m., the pressure decreases.

With regard to overspray, Mr. Kemp indicated that he is “fanatical” about keeping water out of the street. He explained that, with a rotary head, the mist blows in the wind. Mr. Kemp stressed that staff is very careful to avoid water in the streets.

Mr. McCarthy stated that he would like further effort, in this regard, rather than simply accepting this answer; he believes that there are other options.

THIRD ORDER OF BUSINESS

Discussion: Pelican Landing Referendum Area (*Bayside*)

A. Agenda Consent for Referendum

Mr. McCarthy stated that, on July 22, at a meeting of the Bayside Improvement Community Development District, the City of Bonita Springs made a presentation and the Bayside Improvement District voted to table this item, indefinitely.

Mr. McCarthy explained that this item is on today’s agenda at the request of the City. Since the City is the proponent, Mr. McCarthy suggested that they make their presentation first. Those who wish to be heard will be called upon; if, as a result of public input, the City needs to provide further information or respond to questions, the opportunity will be provided. The Board Members will then discuss the need for potential action.

Mr. McCarthy introduced Mayor Ben Nelson.

Mayor Nelson discussed the concept of the "Right of Self Determination". He explained that the City of Bonita Springs is requesting the District's assistance with resolving an issue between the County and the City. Mayor Nelson stated that the City was fairly satisfied that the areas of the CDD should not be counted in the calculation required by the state legislature. The State Attorney, City attorney and District Counsel are in agreement; however, the County attorney does not agree. Mayor Nelson advised that the best way to take the property out of consideration is to sign an agreement, which will allow the people to self determine. By signing the consent to the referendum, the property is set aside and removed from contention; it does not agree, either way, with the property being in the City or with it not being in the City. Mayor Nelson voiced his understanding of the political complications surrounding this issue. He pointed out that, if the Board decides to sign the consent for referendum and it does not pass, there is no harm. If it passes, the Board has done the citizens a great favor by allowing them to vote on an issue. If the Board does not sign the consent and there is a challenge, it is possible that citizens may not be able to vote.

Mayor Nelson thanked the Board for their consideration.

Mr. David Caldwell, of WCI Communities (WCI), advised that WCI is the master developer of Pelican Landing and The Colony. He stated that he was attending today's meeting for this specific issue.

Mr. Caldwell advised that, in July and August of this year, WCI voluntarily requested that portions of its property be annexed into the City of Bonita Springs. This was done because WCI wanted its property to be governed by one government. Currently, parts of the development are governed by the City of Bonita Springs and others are governed by the County. Mr. Caldwell explained that multiple governments create issues with permitting, development, construction and inspections because each has its own way of doing things; WCI felt it best to have a single government representing one interest. Mr. Caldwell noted that WCI is also cooperating with the PLCA to help bring their property into the City because they believe that it is in their best interest to be part of the City of Bonita Springs.

Mr. Caldwell indicated that, in August, WCI also consented, as a corporate owner of lands within the zone that is now in the County, to allow this referendum to occur in February, 2014. WCI feels it is the right thing to do. The consent gives residents the right to make their

own decision regarding whether to be part of the City or remain in the County. Pursuant to the state statute regarding annexation, the corporate owners of entities, such as WCI, the a, The Colony Golf Club and the District owned lands, must consent in order to reach the 50% majority elector approval requirement of the referendum process; if they do not reach 50%, residents will not be able to vote. Mr. Caldwell urged the Board's support.

Mr. Jack Lienesch, a resident, stated that he resides within the annexation area. He indicated that the Bayside CDD owns property in Pelican Landing, for which they pay no property taxes to either the county or the city government; yet, the CDD is a taxing authority. Mr. Lienesch advised that his most recent TRIM notice shows that he will pay \$30 less to Bayside CDD than to Lee County's municipal government, in 2014. Mr. Lienesch commented that he finds it ironic that the CDD is being asked to take sides regarding which government should receive their municipal taxes when the CDD itself is not taxed by either municipality. Mr. Lienesch recommended that the Bayside CDD Board remain neutral on this issue.

Mr. Bill Ribble, Chairman of The Colony Resident Council (CRC), stated that The Colony's position has not changed. There are affected residents, who reside within the "red box", and residents who are not affected. Mr. Ribble advised that the CRC remains neutral. Mr. McCarthy reiterated that the Board tabled the motion, at the July meeting, and The Colony is asking them to do the same today.

Ms. Ann Cramer, a resident, commented that she understands what Mayor Nelson explained about the "Right to Self Determination" and feels that everyone agrees with the concept; however, there are some issues related to the statutes, the Consent to Annexation and who should be giving the consent. If it is the taxpayers, some are registered voters but many are not. In Pelican Landing, many residents pay taxes on a yearly basis but, in this instance, they will not necessarily have a vote unless they are registered voters. Ms. Cramer did not understand why the CDD was being asked to vote on this issue when it would seem that the residents who live in The Colony, who are not registered voters or property owners, should be participating in this decision.

Mr. Ben Korbly, a resident and CRC representative, requested that the CDD continue its neutral position. Mr. Korbly felt that, when it is translated to the facts, the phrase "the Right to Self Determination", is a question of which vote goes first. He feels it would still be a "right of self determination" if there was a vote with respect to the Village of Estero, which occurs a few

months after the vote regarding the City of Bonita Springs. Mr. Korbly voiced his opinion that no one's rights were being disrupted. He feels that the question of the role of the CDD with respect to involvement in the various governances is bothersome, to some residents. As to the question of dealing with more than one municipality, Mr. Korbly believes that it is not applicable in the circumstance of the "red zone", because the property will end up in one place or the other. It is a question for voters rather than the developer. Mr. Korbly pointed out that the developer received compensation, with respect to its actions, and that should be recognized when listening to their position.

Dr. Stephen McIntosh, a resident, thanked Mr. McCarthy for his leadership and for making the community a quality place to live. Dr. McIntosh indicated that he has been involved in the referendum from the beginning, as the representative from the City of Bonita Springs to the ECCL (Estero Council of Community Leaders). When he was informed of the ECCL meeting and that it looked as though there would be an incorporation vote for Estero, he went to the ECCL leadership. He discussed options for the people who were left out of the City of Bonita Springs yet have Bonita Springs addresses, since the state cut the city limits and did not take into account neighborhoods, culture and history and left 20% of Pelican Landing outside of the City of Bonita Springs and in unincorporated Estero. He advised that discussion took place, on several occasions, with regard to how this could be managed.

Dr. McIntosh voiced his opinion that the best alternative would have been to have three options on the fall ballot: to become part of the Village of Estero, to remain in unincorporated Lee County or to become part of the City of Bonita Springs. The Supervisor of Elections conveyed that the ballot could not be created in this manner because it would be confusing to voters. Dr. McIntosh went back to the ECCL and they indicated that it does make sense; they would allow people that could to vote. Dr. McIntosh explained the concept and issues to the UOC and the vote was 39 to 1. There was one vote against permitting those who live in Pelican Landing, who have lived in Lee County, to decide whether to become part of the City of Bonita Springs. Dr. McIntosh stated that, by supporting the Consent Agreement, the Board is not supporting the City of Estero or the City of Bonita Springs; they are supporting the right to democracy.

Mr. Lamont Olson, a resident, strongly urged the CDD Board to continue its stance of neutrality that it voted on in July. Mr. Olson noted that residents and voters can make the self

determination at any time by requesting annexation and very few have done so. The request was made by several larger entities and many of the voters, including him, are urging the Board to maintain neutrality.

Mr. Tom Manuel, a resident, urged the Board to take whatever action is necessary to permit the referendum. He stressed that residents are confronting an issue that is very important to many of them. Mr. Manuel stated that he cannot conceive that an intermediate level of government would interpose itself and prevent the general population from choosing which of the three options they prefer. He believes that, to "cut it off", for reasons that are clearly related to leaving no option for Bonita Springs and diluting one of the sides of the other argument, is simply wrong. Mr. Manuel commented that the sense that the Board is taking sides is nonsense; they are simply allowing the public to voice their opinion by encouraging voting to hold the referendum. Mr. Manuel explained that the residents have different senses of municipal allegiance and there are different legalisms; however, he wants the Board to do what is right and permit the referendum, letting the residents who are affected express their choice.

Mr. John Ellis, a member of the CRC, stated that he was unaware that residents have three options. He indicated that he has lived in unincorporated Estero for ten years and it has been working. Mr. Ellis urged the Board to remain neutral. He voiced his concern that this took place when most residents were up north. Mr. Ellis considers this to be a "hostile takeover".

Ms. Vicki Olson, a resident, stated that, with all respect to the CDD and all they do for the community, if the issues were about irrigation, water runoff or any of the usual matters that the CDD handles, she would encourage them to make a decision; however, this is a totally different area. The issue is about the political boundaries and the taxing body who will govern the residents. Ms. Olson urged the Board to stand by the decision that was made in July and voiced her opinion that it was an excellent decision. If the Board elects to table the issue and does not "throw its acreage into the Bonita Springs hat", it does not mean that there will not be self determination by the voters; they can simply go back to more of the affected residents and try to obtain the acreage required by law.

Mr. Ron Pure, a resident, voiced his opinion that this issue is about many things that do not include self determination. He stated that the community association voted to move forward with the voluntary annexation of property, which was common property; he always felt that it would be fairer if the association had provided a survey to every resident within the community,

as they are all common owners of the property. Now, the residents are seeing the CDD Board make a decision that would make it “smooth sailing” for the City.

Mr. Pure advised that, in 2006 or 2007, there was a newspaper article about the prospect of annexing the part of Pelican Landing that is now in Bonita Springs. Mr. Pure indicated that he was in favor of annexation, since he felt that everything north of Coconut Road would go to Estero and everything to the south would be in Bonita Springs; however, the matter of how this decision came about has not been as clear and as reasonable as he feels it should have been for the Pelican Landing residents. Mr. Pure feels that it is a great idea for the Board to retain their stance and let the City move forward. Mr. Pure is perplexed and upset that he has not been able to identify whether a handful of people that represent some of the boards and committees within the community made the decision to move forward or if a genuine effort was made by the City to get petitions signed.

Mr. Pure commented that the vested interests in this community will not be part of the vote that the proponents are seeking to place on the ballot. He noted that 67% of the people are not registered; yet, they are property owners.

Mr. Gerald Meier, a resident, explained that he became involved in this process early in the year, when he was asked to monitor a meeting. At the appointed hour, Mr. Meier called the meeting to order and questioned why they were there. There was silence. Mr. Lienesch asked who called the meeting. Once again, there was silence. Finally, the City, who was well represented, indicated that, if there was nothing else to discuss, they would advise the residents how to become voluntarily annexed into the City of Bonita Springs, emphasizing that their purpose was to make sure that the residents knew how to become annexed, if they wanted to.

Mr. Meier stated that, several months later, the same presentation was given at a UOC meeting. Mr. Meier read the minutes from that meeting and concerns were brought forth regarding “Vote Estero” efforts, calling for a referendum on the next ballot to incorporate Estero, which would affect Pelican Landing homeowners who are now in unincorporated Lee County. It was stated that, currently, only two options would be offered on the ballot; to incorporate or not to incorporate. It was suggested that a third option to join Bonita Springs should be offered. The implications that this issue would have on Pelican Landing were discussed and there was a question and answer session. The motion was made and seconded that, if there is a referendum to form the City of Estero, a third option should be added, giving Pelican Landing residents the

option to be in Bonita Springs. It was confirmed that Bonita Springs is not interested in annexation, the motion passed with only one opposed.

Mr. Meier agreed that only one option is available now and it is coming up after the first of the year. There is no referendum for making Estero a city, at this time, and there will not be until well after the Bonita Springs annexation is scheduled to take place, in February. Mr. Meier urged the Board to maintain its position of neutrality.

Mr. McCarthy opened the floor for Board discussion.

There were no questions from the Board.

Mr. McCarthy explained that, since this motion was tabled indefinitely, a motion is required to bring it off the table and the motion will require a second; in order to be sustained, a majority vote is required. He stated that the motion is not debatable; if it is made and seconded, a vote will follow immediately.

Mr. Crew motioned to untable the previous motion. The motion failed due to lack of a second.

FOURTH ORDER OF BUSINESS**Public Comments**

Mr. McAuley asked for public comment on agenda items.

Ms. Gerry Chevillet, a resident, reported that service has been provided for Lake D-7, which did not have service for three years. She advised that plantings along the perimeter were installed on Friday; however, debris is already beginning to form, which she feels is the result of excessive cuttings.

Rather than waiting a three-year period for service, Mrs. Chevillet suggested establishing a service program. LakeMasters advised her that nothing can be done without permission. Mrs. Chevillet voiced her opinion that, if a service program was established, there would no longer be a problem with the lake. Mrs. Chevillet stressed that this is not the proper way to maintain the lake.

Mr. McAuley indicated that two managers were present, as well as LakeMasters, and they will handle the service program, which already exists. Mr. McAuley stressed that all lakes are serviced on a regular basis. Mrs. Chevillet asked why it has taken three years to provide service and remarked that this is not acceptable.

As a point of order, Mr. Pritt stated that this is not an inquisition of the Board; Mrs. Chevillet made her point. He emphasized that there are 96 lakes in Pelican Landing.

Mrs. Chevillet thanked Ms. Crismond for her assistance and noted that she was the only person to respond.

Mr. Rick Parker, a CRC member, recalled a request made to the Board, last year, to re-price irrigation water for The Towers, which was done. He advised that, when an inquiry was made whether to expect a price increase, the response was, "we do not know". Mr. Parker stated that the first tier increased over 240%; however, after looking at the last year, they are well within the projected budget.

Mr. Parker explained that residents of The Towers spent about \$24,000 for hookups but there is a return on the investment that the residents feel is reasonable. Over the last year, The Towers was billed \$8,700 for what should have been a fraction of that amount due to improper tiering. The Towers now has an established credit of about \$6,700 but the residents feel it should be \$8,300. Mr. Parker advised that over 20 hours were spent working with the CDD trying to correct this for the budget.

Mr. Parker considers it somewhat unprofessional that the pricing was received, from the CDD, on November 5, indicating that it was being provided for the 2014 budget but they are now being told that the pricing became effective on October 1. Mr. Parker stated that he has never seen retroactive pricing and residents were concerned about it being a "bait and switch". He advised that, while the numbers worked out, it was a very complicated issue.

FIFTH ORDER OF BUSINESS**Staff Report: Engineer (Both)**

- **Outline of Proposed Stormwater System Review**
- **Update: Permit Transfer Activities**

Mr. Barraco reported that the scope, tasks and man hours were detailed and will be sent to Mr. Adams, for review and dissemination to the Board. He advised that the outline of the proposed stormwater system review was completed; the tasks and man hours were detailed, as requested.

Mr. Barraco indicated that the majority of the surveying was completed. Only a few small sections remain. Also, research began on the approved plans, which are on file with the water management district and Lee County. This is important because, for the same project,

often there were two different engineers, one completed the water management design and the other completed the actual detail design and construction plans. It must be verified that they were the same; any differences must be identified.

Mr. Barraco reported that the Pelican's Nest formal permit transition to operation and maintenance was submitted to the South Florida Water Management District (SFWMD). Once they acknowledge receipt, the process will be completed and the CDD will formally be responsible for operation and maintenance of the Pelican's Nest system.

Mr. Barraco indicated that the Pelican Landing system is in process. Many of the individual systems have been certified but several could not be certified until the control structures were modified. Staff has been working with the contractor. All control structures were modified and are being measured to make sure that they are consistent with the permit. The remaining systems will then be certified and submittal will be made to SFWMD, for operation and maintenance.

Mr. Barraco stated that all permits were reviewed and anything that the District asked to be certified and put into operation and maintenance was outlined and removed.

Mr. Barraco reported that the worksheet, showing that all of the easements that the District needs to operate and maintain are in place, is 95% completed. Once the worksheet is finished, it will be provided to the Boards and Staff, for review.

Mr. Barraco stated that, unless an easement is out of place or a structure is not in tolerance, the December 31 deadline for submittal to SFWMD will be met. SFWMD has been very cooperative because they see that progress is being made.

Mr. Barraco reported that, in going through this process, SFWMD found a separate permit that Barraco and Associates looked for when they first became the District Engineer and could not find a record of. Mr. Barraco advised that there are three structures in Spring Creek. SFWMD found the permit and asked for a review by the District Engineer. Mr. Barraco determined that the structures are consistent with the permit; therefore, those structures will also transition to the operation and maintenance phase.

Mr. Barraco stated that a notification was received that, in and around 3621 and 3611 Bay Creek Drive, SFWMD found what they believe to be encroachment into the preserves, which is prohibited in the permit. Mr. Barraco has been coordinating with Mr. Adams to have a survey completed to confirm whether there is a violation and, if so, Mr. Barraco will

communicate with Mr. Adams and Mr. Cox to determine the best course of action. Mr. Barraco assumed that there will be two courses of action; the owner will remove the encroachments or try to obtain approval to bring the encroachments into compliance.

Mr. Barraco indicated that WCI is involved with a community within the District boundaries that had drainage issues. Q. Grady Minor & Associates, P.A., was hired to investigate and found issues with the control structure and the permits. They will provide their evaluation and recommendations to Mr. Barraco, for review. Once the review is completed, the information will be presented to the Boards. Mr. McCarthy asked that it be emailed to Mr. Adams, for dissemination to the Boards. Mr. Barraco advised that he requested to have the report sent directly to Mr. Adams.

Mr. Patterson asked what will happen if the end of the lot is in the water. Mr. Barraco indicated that there could have been erosion. Mr. Adams explained that Westinghouse did the same thing in Pelican Bay; they extended lot lines into the lakes. Mr. Barraco stated that the County just changed the rules so you cannot have a 20' easement; it must be 20' as part of the lake tract. Mr. Adams confirmed that the plat is the best source of information because it could differ from project to project.

Mr. Barraco recalled discussion, several meetings ago, regarding removing the muck at the bottom of the lakes and he was asked to obtain pricing. Mr. Barraco stated that he spoke to one of the most experienced contractors in this area and, because there are many different lakes, the contractor must mobilize for each lake; therefore, the two options include hydraulic dredging or mechanical dredging. Mr. Barraco explained that hydraulic dredging requires a stockpile area and, in a finished community such as this, it would be very difficult to find an area where this material could be pumped, dried and moved off. The quoted price was \$60 per cubic yard to remove the muck and, approximately, \$10 per cubic yard to truck it. That would include breaking down equipment with barges and cranes and moving from lake to lake. The amount is high because, for every lake, the equipment must be broken down, moved on barges to the next lake and assembled.

Mr. Pritt noted a similar project in Naples and a new process whereby the contractor is proposing to dewater on site and then haul it away. Mr. Pritt voiced his opinion that it seems to be a better way and much less expensive. Mr. Barraco felt that there is no way to dewater any of the lakes, particularly with the high elevation and ground water table.

Mr. Barraco concluded that hydraulic dredging might be easier if an area was available to stockpile the material, allow it to dry and haul it away. The price that was provided was for mechanical dredging from barges and hauling it off site.

SIXTH ORDER OF BUSINESS**Lake Maintenance Activities Report
(Both): *LakeMasters***

Mr. Kurth reported that he was pleased with the condition of the lakes. All Sonar applications were completed in a timely manner, with good results. Mr. Kurth explained that, occasionally, a lake will get worse before it gets better and that was the case with several, such as The Tides. Sonar works by starving the plant; it does not allow it to produce chlorophyll.

Mr. Kurth stated that some of the grass carp lakes still require treatment and others are barely treated, with regard to submersed vegetation. Treatment has not been necessary in Lake A-2. Lake A-6 is an irrigation lake, which hampers the ability to control submersed vegetation. The lake now has a sand bottom with no submersible growth. Lakes A-7 and A-8 have historically been some of the worst lakes to maintain; these lakes are considerably better.

Mr. Kurth reported that 3,850 pounds of Phoslock was applied to Lake E-5. He noted that improvement was not anticipated for two to four months; however, by the following week, the applicators advised him that the water clarity was three times greater and has no algae growing. The beneficial plants look healthy. Thus far, the initial results are favorable.

Mr. McAuley inquired about Lake D-7. Mr. Kurth stated that Mrs. Chevillet voiced concern regarding lack of management; however, Lake D-7 receives as much attention as any other lake in the community. He pointed out that there is a difference between management and what was recently performed. The lake had a particularly large amount of spike rush, which extended further than in most lakes. The Board decided to have it removed and LakeMasters attempted to leave as much of the Arrowhead as possible. The spike rush was sprayed and removed. Mr. Kurth expressed that he was amazed at how deep the spike rush grew, which made it difficult to remove. Two heavier algae treatments were performed to control the algae before the new plants are installed. Dye was also applied to the lake to create a shading effect and inhibit algae growth.

Mr. McAuley confirmed that the two aerators that were installed are now working.

Mr. Kurth advised that four or five lakes went from having no algae at all to uncontrolled algae, as a result of the last planting; it was an immediate reaction. He feels that this is evidence that the problem is not as much about the water as the muck. The planting stirred up the muck and there was an immediate reaction in the lakes.

Mr. Hancock pointed out that Lake F-16 is looking quite good. Mr. Kurth noted that it is extremely shallow; therefore, the bottom of the lake gets sunlight penetration and it has been a real problem.

SEVENTH ORDER OF BUSINESS**Lake Health Assessment Project Update
(Both): Dr. Serge Thomas**

Dr. Thomas reported that he is close to the end of the study; two events remain, in December and January. Sediment cores are still being collected. Dr. Thomas recalled that a flood occurred this year; a lot of water came into the lakes, resulting in very low oxygen levels, which produced a fish kill.

Dr. Thomas noted that there were algae blooms in some of the lakes. He pointed out that Lake A-13 had a pretty significant bloom last month and he was not sure why. Dr. Thomas explained that algae growth is not unusual when there is a large flush of water and then it stops flushing into the lake.

Dr. Thomas reviewed several slides and stated that 12 cores were taken from Lake B-4, which is a medium enriched lake, in terms of nutrients. Dr. Thomas presented slides of the various cores and expressed the importance of taking more than one because they vary. The muck will be analyzed to determine the amount of nutrients, especially phosphorous, that are tied up in it, and to get an idea of how much water it contains. The amount of wet and dry muck will be calculated to estimate the cost to dredge.

Dr. Thomas explained that hydraulic dredging can be done on site with geotubing; the muck is sucked up and put into the geotubes, which also restores the shoreline. The muck remains on site, eliminating the \$10 per cubic yard cost to remove the material from the site. Grass may be installed over the tubes so that they are no longer visible. Dr. Thomas noted that, depending on the amount of metals in the sediment, it cannot be hauled off easily. If it is rich in copper, it must be taken to a special facility and treated, which may double the cost.

In terms of aging, Dr. Thomas advised that, the way the ponds were designed, after 15 to 20 years, they reach a point where the amount of muck on the bottom will begin to create problems and algae blooms, which is what he found with most of the lakes in Lee County.

In response to a comment by Mr. Pritt, Dr. Thomas stated that there are several options for demucking, such as geotubing and installing many aerators, which add a lot of oxygen on the bottom of the pond and stir up the muck and digest it very quickly. Dr. Thomas pointed out that, if the nutrients are locked into the sediment, there is no reason to dredge, unless the lake becomes very shallow and difficult to manage.

Mr. McCarthy explained that, in Island Walk, where they had several feet of muck on the bottom of the lakes, an aggressive aeration program was undertaken, which completely arrested it. Mr. McCarthy stated that, in his opinion, dredging is the absolute last alternative, mainly because of the disruption it would create in the community. He advised that geotube has been very unsuccessful in a number of communities and felt that having geotube installed on the resident properties, along the lakes, would not be acceptable. Mr. McCarthy stressed that the Boards must focus on the workable solutions; he feels that aeration is the prime alternative.

Dr. Thomas indicated that, at the end of his report, he will provide pros and cons with regard to methods of managing the lakes. Mr. Pritt emphasized that he wants to be educated on all of the options prior to making a decision. Dr. Thomas advised that two lakes in the City of Naples will be dredged, per his recommendation. He encouraged the Supervisors to visit the lakes to see it “before” and “after”.

EIGHTH ORDER OF BUSINESS

Continued Discussion/Public Participation Policy/Amendment to Rules of Procedures (Both)

Mr. Pritt referred to Sec. 1-6, (f), and suggested changing “at 5:00 p.m.” to “by 5:00 p.m.”. In Sec. 1-6, (d), Mr. Pritt asked the Boards to consider adding, “However, such motion shall not be in order until each Supervisor has had at least one opportunity to comment on the question.” He explained that the reason for his suggestion is that the state legislature recently “scolded” governmental entities for not taking public comment because one or two did not do so. If there must be a public comment section prior to taking action, Mr. Pritt feels that it would follow that comment from Supervisors should not be cut off before calling the question.

On MOTION for Bay Creek by Mr. Pritt and seconded by Mr. Glueck, with all in favor, striking the sentence, “The Supervisor moving the adoption of a Resolution or motion shall have the privilege of closing the debate” and adding, “Such motion shall not be in order until each Supervisor has had at least one opportunity to comment on the question”, in Sec. 1-6 (d), and changing “at 5:00 p.m.” to “by 5:00 p.m.” in Sec. 1-6 (f), were approved.

On MOTION for Bayside Improvement by Mr. Hancock and seconded by Mr. Patterson, with all in favor, striking the sentence, “The Supervisor moving the adoption of a Resolution or motion shall have the privilege of closing the debate” and adding, “However, such motion shall not be in order until each Supervisor has had at least one opportunity to comment on the question”, in Sec. 1-6 (d), and changing “at 5:00 p.m.” to “by 5:00 p.m.”, in Sec. 1-6 (f), were approved.

NINTH ORDER OF BUSINESS

Public Hearing to Hear Public Comment and Objections to the Adoption of the Rules of Procedure, Pursuant to Sections 120.54 and 190.035, Florida Statutes

- A. Affidavits of Publication**
 - Notice of Rule Development
 - Notice of Rule Making

The affidavits of publication were included for informational purposes.

- B. Consideration of Resolution 2014-2, Creating Sections 1 Through 4, Providing For Rules of Procedure for Meetings of the Board of Supervisors; Containing a Severability Clause; Containing an Effective Date (*Bayside Improvement*)**

Mr. McAuley presented Resolution 2014-2, for the Board’s consideration.

*****The Public Hearing was opened.*****

Mr. Pure asked if the Board was considering including public input at the beginning of the meetings. Mr. McAuley replied affirmatively. Mr. Pure expressed his thanks to Mr. McCarthy for inviting residents to participate in today’s earlier discussion. Mr. McAuley explained that there will be a public comment section after the Supervisors have spoken. Mr. Pure inquired about the close of the meetings. Mr. McAuley replied affirmatively.

*****The Public Hearing was closed.*****

On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Hancock, with all in favor, Resolution 2014-2, Creating Sections 1 Through 4, Providing for Rules of Procedure for Meetings of the Board of Supervisors, Containing a Severability Clause; Containing an Effective Date, as amended, was adopted.

C. Consideration of Resolution 2014-2, Creating Sections 1 Through 4, Providing For Rules of Procedure for Meetings of the Board of Supervisors; Containing a Severability Clause; Containing an Effective Date (*Bay Creek*)

Mr. McAuley presented Resolution 2014-2, for the Board’s consideration.

On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Pritt, with all in favor, Resolution 2014-2, Creating Sections 1 Through 4, Providing for Rules of Procedure for Meetings of the Board of Supervisors, Containing a Severability Clause; Containing an Effective Date, as amended, was adopted.

TENTH ORDER OF BUSINESS

Discussion: Remediation of Illicit Discharge from The Colony G&CC Tennis Courts (Both)

Mr. Adams recalled that, at the last meeting, Staff was asked to follow up with The Colony and the PLCA, subsequent to his oral report on what had been done recently to remediate the illicit discharges from the clay tennis courts at both entities. Mr. Adams reported that he contacted both entities and asked them to put into writing the steps that they had taken, as well as any future steps that they planned to take and submit them to the CDDs as a written record of their remediation plans. The Colony responded and a copy of their letter was provided in the agenda package, confirming that it is in sync with the oral report that was given at the last meeting. No response was received from the PLCA. Mr. Adams offered to send another.

Mr. Glueck was in favor of sending another request. Mr. Crew suggested discussing this under the next order of business.

ELEVENTH ORDER OF BUSINESS

Discussion: Communications

CDD/PLCA

Mr. Hancock stated that he asked to have this item placed on the agenda to follow up on a similar item that was on the PLCA's last agenda. Mr. Hancock stated that, when this item was addressed at the PLCA board meeting, the Chair turned the meeting over to the manager. Mr. Hancock went to the meeting thinking that they were going to begin working together and there would be a good outcome; unfortunately, the PLCA manager proceeded to vent against the CDD, stating that the CDD does not clean their catch basins, reported them for illicit discharge in the tennis center, etc. The suggestion was made to hold a joint meeting of the PLCA and the CDD. The result is that there will be a meeting between the CDD District Manager, the PLCA manager and their attorneys.

Mr. Hancock indicated that the CDDs have been denied the use of the communication facility to reach residents by email. He pointed out that it is operated by the PLCA but it belongs to the CDDs. Mr. Hancock stressed that the CDDs had to beg to advise residents about the flooding situation; homes were at risk and the CDDs had to "beg" to get a message sent.

Mr. Hancock acknowledged the difficulty in reaching the CDDs; when someone calls, they get an answering machine. He noted that the message sent by the PLCA the morning of the flooding instructed residents to leave a message on the answering machine. Mr. Hancock stated that this must be addressed.

Mr. Hancock indicated that, when the PLCA contacts the CDDs for service, oftentimes, they contact a Supervisor, rather than Management or a department head. He recalled comments made by Mr. Pritt that Management should manage and the Board Members should supervise and he feels that those words are very appropriate, in this situation.

Mr. Pritt remarked that the CDDs have to work together with PLCA and it disturbs him that they are not.

Mr. McAuley asked if Mr. Adams and Ms. Martel have met. Mr. Adams replied no. He stated that he received an email invitation for himself and Mr. Cox, Ms. Martel and the PLCA attorney to meet. The specific topic indicated in the email was drainage. Mr. Adams and Mr. Cox provided their availability and are looking for direction from the Board Members. The PLCA identified several days, prior to this meeting; however, he did not want to meet until the Boards had an opportunity to discuss it. The meeting is set for Thursday at 10:00 a.m.

Mr. Cramer wanted everyone to know that, after the flooding occurred, he prepared a memo and sent it directly to Mr. Larry McPherson, President of his community. Mr. Cramer

asked him to distribute the notice to the residents, stressing the importance of all residents receiving the same information. Mr. Cramer then called Mr. McPherson to follow up and he was very helpful. Mr. McPherson advised Mr. Cramer that, any time the CDDs needs something, they should be able to work together.

Mr. Cramer stated his feeling, as a Supervisor, is that the Districts should not spend one nickel for an attorney to meet with PLCA when the CDDs have a District Manager. He indicated that Mr. Adams does an excellent job. Mr. Cramer was present, on a number of occasions, when a meeting was held with Ms. Martel and a PLCA board member, where they berated Mr. Cramer in front of a group of people. Mr. Adams and Mr. Cramer discussed the best way to proceed, which was for Mr. Cramer to leave the meeting. Mr. Cramer emphasized that he is very much a part of the community, is an elected official and does not want to see a lawyer attend; he wants Mr. Adams to do his job, which he knows he can do. Mr. Cramer believes that the PLCA must “step up to the plate” and either put something in writing or the person responsible should retire.

Mr. Crew was in favor of Mr. Adams and Mr. Cox attending the meeting together, assuming that some of the discussion would be about storm drains. Mr. Adams noted that this was the primary item in the meeting request. Mr. Crew indicated that the CDDs need legal proof that they are or are not responsible for storm drains and he does not want to get into a situation where the PLCA sues the Districts and the Districts must defend themselves, with an escalation of attorney’s fees.

Mr. Pritt stated that Staff needs to meet, if only for this one issue. He suggested mediation, rather than continuing to argue. Mr. Pritt voiced his belief that the PLCA board is doing what they think is best for their constituency and the CDD Boards are doing what they feel is best for theirs; however, the CDD constituency just “wants it done”.

Mr. Patterson stated that this problem can be resolved by the CDDs taking on the responsibility for the storm drains, including maintenance, replacement and repair, if necessary. They are part of the surface water management system and the CDDs can do it best; they have the capability and he feels that the CDDs should step up and accept the responsibility.

Mr. Hancock recalled that two letters were sent to Pelican Landing offering to clean the drains and there was no response. Mr. Hancock suggested taking the offers off the table when the Manager talks to the PLCA. He stressed that the PLCA needs to reply. The offers are an open ended financial commitment with no expiration dates.

Mr. Patterson noted that this problem began with Ms. Martel reporting all problems to the CDD's landscape manager, who accepted them and completed the work and, consequently, the PLCA developed a strong belief that the CDDs have that responsibility. Later, the CDDs advised the PLCA that they cannot accept responsibility; which caused a lot of grief and the problem still exists. Mr. Patterson stated that it is all from the same pocket, whether the PLCA or the CDDs pay. He sees no difference.

In response to a comment by Mr. Patterson, Mr. McCarthy clarified that The Tides are not part of the PLCA; they are a part of the CDD.

Mr. McAuley recommended that the two managers meet, compile a list of the "gripes" that the three boards seem to have and begin to resolve them.

Mr. Cox stated that facilitators can help to work through their differences; a neutral party, who can take a different approach, might be necessary. He recalled that the CDDs offered to take on responsibility for cleaning the catch basins. The PLCA did not like it because, the way it was drafted, at the Boards' direction, it was on a temporary basis until the overall cost was evaluated. Then, the CDDs would come back to the table, with the PLCA, and work out a solution. The CDDs asked the PLCA to come back with another proposal and none was received. Mr. Cox feels that the CDDs have met their requests and done what Mr. Patterson suggested.

Mr. Crew suggested that, if the legal basis for ownership and responsibility can be determined, whichever entity has it should take responsibility, going forward. Mr. Patterson pointed out that they have not been able to establish a legal basis.

Mr. Cox explained that, several years ago, it was found that there was an agreement between the PLCA and the CDDs that the Districts would be responsible for the landscaping and the PLCA would be responsible for all other maintenance in the roadways. Once the agreement was presented to the PLCA, they acknowledged that the agreement was in place. Mr. Cox stated that it is easy to make the agreement go away, if necessary; he just needs to be told to draft the document.

Mr. Hancock noted that, if the CDDs agreed to proceed to clean the drainage facilities, the earliest they could begin would be October 1 because it would be too expensive. Mr. McAuley clarified that funds were authorized in the budget. Mr. Adams confirmed that those funds will not cover the entire cost. In the past, the Boards and Staff discussed phasing the

project, based upon historical complaints of flooding. If any money remains, Staff will prioritize the older sections first, where there are known issues.

Mr. Patterson explained that the issue goes back to the difficulty with ownership of the roads. When the roads were transferred, there was no clarification as to whether the catch basins were considered to be part of the roads. The PLCA believes that the catch basins are part of the surface water management system; therefore, the responsibility for the catch basins was not transferred to them with the roads; it remains with the CDDs. The CDDs have taken the opposite position because they do not have clear ownership of the catch basins; therefore, they cannot be accepted unless they are transferred to the CDDs.

Mr. Glueck stated that Mr. Adams, Mr. Cox, Ms. Martel and Mr. Hart are aware of what has gone on and are qualified to discuss the issue; he feels they should move forward and then discuss the outcome in a CDD meeting.

Mr. Adams recommended that Staff proceed with the meeting with the PLCA, to see if any progress can be made. He pointed out that it will be perceived as a positive step by the PLCA, as well as the Districts' constituents.

The Board Members agreed with Mr. Adams and Mr. Cox meeting with Ms. Martel and the PLCA attorney on Thursday. Mr. Adams will report the outcome to the Board Members.

TWELFTH ORDER OF BUSINESS**Irrigation High User Report**

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

Mr. Patterson noted that the number of conservation gallons used was 6% of the total and 38% of the District's revenue came from 6% of the gallonage, which makes it difficult to forecast what will happen, depending on the number of people that reach the conservation rates.

Mr. McCarthy pointed out that the percentage has consistently been in the 5% to 7% range; for that reason, it is very predictable. He advised that the same people use the same amount every month.

Mr. Adams confirmed that, in the last few years, the range has dropped to 5%. He noted that, in previous rate studies, 10% of the total flow was anticipated to be in the conservation rate;

therefore, 5% of that has gone back to base rate and the District is no longer receiving that additional revenue, which put them in the position of having to consider increasing the base rate.

Mr. Patterson indicated that, by SFWMD only allowing watering two days per week, it substantially reduced the variable volume. Mr. Adams also noted that the Districts implemented shutting down the pump station on non-watering nights.

Mr. McAuley voiced his understanding that the rate increase would not go into effect until the beginning of the year because the condo communities needed time to prepare their budgets to offset the increase. Mr. Adams stated that the expectation was that the Boards would adopt the increase at the October meeting and, with the first billing in November, the new rates would go into effect, for the October usage. Since the Districts adopted a budget based on \$0.53, per 1,000 gallons, in anticipation of passing the rule, if that approach was not taken, they would have been short on revenue because three months would have been at \$0.16 per 1,000 gallons. For this reason, they had to artificially increase the \$0.53 by a percentage to recover the loss in increased revenue during October, November and December. The idea was that the Boards would adopt the increase in the fall so that the neighborhood associations had time to adjust their budgets.

Mr. McAuley advised that a public hearing was held and no members of the public attended; now, there is a reaction. Mr. McAuley felt that, if the information had been placed in the PLCA newsletter, it may have been avoided. Mr. Adams explained that, if the Districts had historically received cooperation in their communications, from the PLCA communication tree, it may have helped with regard to the single-family homeowners. Cooperation was received from the PLCA in terms of getting the contact information from the association and a communication was sent to all association managers. Mr. Adams advised that he received a bit of a reaction; however, they had an opportunity to address their budgeting for 2014, to cover the increase. Mr. Adams pointed out that the reason the CDDs do not have their own communication tree is that, to the extent that they have everyone's email address, it is public record because the CDDs are a governmental entity. If the PLCA would cooperate, Mr. Adams would send communications for distribution.

Mr. John Stapleton, a resident, stated that he did not receive notification of the rate increase until he returned. He advised that, over the last five or six years, he has done everything asked by the CDD with regard to water usage and he received a 500% increase in his bill. Mr.

Stapleton pointed out that this is not a lot of money because his normal bill is about \$2.50 per month. Mr. Stapleton wrote to Mr. Adams to ask the reason for the increase and the answer he received was that there had not been a rate increase in three years. Mr. Stapleton noted that 500% divided by three years is about 166% per year, which he has never seen, for anything. The second reason he was given is that there is a \$40,000 shortfall in expenses. Mr. Stapleton sent another email to Mr. Adams asking what the expenses were. The third reason was that, because the customers all complied with the requests, were good environmentalists and saved their resources, they received a 500% rate increase. Ms. Stapleton asked if that sounds like a good “customer rewards program” for doing what they were asked to do.

Mr. Stapleton stated that, in the Fiscal Year 2014 budget, the irrigation revenue, which has gone up 500%, shows an increase of 5% in revenues. He asked what other measures the Districts have taken to reduce their costs, in the last three years.

Mr. Adams confirmed that he did not receive a follow-up email from Mr. Stapleton, otherwise, he would have received a response.

Mr. Patterson explained that the Boards increased the variable rate from \$0.16 per 1,000 gallons to \$0.53 per 1,000 gallons, which is an increase of approximately 240%, not 500%. He suggested that Mr. Stapleton review his usage.

Mr. Crew explained that, when there are certain fixed costs and usage decreases, those fixed costs remain the same. In order to make the necessary budgetary adjustments, the rates must increase. Mr. Crew acknowledged that, through good stewardship throughout the community, water usage decreased, which is a good thing, overall. He stressed that residents are not only paying for the water but for the quality of the environment; a \$3 or \$10 bill, to have good quality water, is reasonable.

Mr. Crew stated that, if they could have predicted this over the last three years and increased the rates incrementally, it may have been better; however, the penalty water usage was being used to fund and, since it has decreased, residents have to pay. He stressed that the intent is not to punish people or to hide money in the budget; it is to bring the rates up to a reasonable level, compared to other communities, pay for the true operating costs and not rely so much on the penalty usage for revenue.

Mr. McAuley pointed out that the system is aging and two wells have gone down in the last two months. They must be replaced and that costs money; something must be done to cover those costs.

Mr. McCarthy indicated that a substantial reduction was made about three years ago, from \$0.42 to \$0.16 per 1,000 gallons and no one came to them and thanked the Boards for reducing the rate by 200%. He stated that, when the rate study was done, it was flawed, particularly because the overwhelming majority of funding is coming from the penalty rate. The normal user rate was so low that no revenue was coming in. Mr. Adams reiterated that an additional step was taken by the CDDs to shut down the pump station on non-watering nights, which helps preserve the water.

Mr. McCarthy pointed out that the residents had a “gift” for three years and the Boards discussed whether to stage the increase; however, so little is being collected that all they are doing is reducing the Districts’ fund balance and that can place them in a precarious position.

With regard to the \$0.53 rate, Mr. Adams noted that the residents of the Stoneybrook CDD pay \$0.97 per 1,000 gallons. Mr. McCarthy indicated that, one week ago last Sunday, the Gateway CDD published new rates and he compared them. Bayside and Bay Creek have a base rate that goes to a conservation rate for high users and everyone is evaluated based upon the size of their lot and 1½” of water per week for each person and a certain amount of usage is allocated. Gateway has an ascending rate; the rate increases with the amount of water consumed. Mr. McCarthy noted that, for 15,000 gallons per month, their bill was within tens of cents per month of Gateway’s bill; for 25,000 gallons per month, their bill was a little over \$3 per month higher; for 40,000 gallons per month, Gateway’s bill was about \$7 per month higher. Mr. McCarthy emphasized that the rates are not out of line but agreed that it could have been handled better.

Mr. McCarthy pointed out that Gateway’s irrigation water comes from the Gateway Waste Water Treatment Plant; it is circulated by the Gateway CDD and distributed and delivered to the customers. Bayside and Bay Creek must generate the water; there is a big difference.

Mr. Pure asked if it is possible for the Districts to purchase irrigation water from someone other than RCS or Bonita Springs Utilities (BSU). Mr. Patterson advised that there is no other source available. RCS has all of the effluent water created by BSU so the golf course must negotiate with BSU for potable water.

Mr. Pure noted that BSU is charging RCS \$0.34 per 1,000 gallons. He asked if something else can be done to get irrigation water from Lee County.

Mr. McCarthy indicated that Lee County Utilities has no jurisdiction to sell product within BSU’s franchise area. Per their contract, RCS has a right to all of it. Mr. Adams pointed out that, even if they were able to, they do not have the capacity.

THIRTEENTH ORDER OF BUSINESS

Approval of October 28, 2013 Joint Public Hearing and Regular Meeting Minutes (Both)

Mr. McAuley presented the October 28, 2013 Joint Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections.

The following changes were made:

Line 95: Change “shortages” to “outages”

Line 246: Change “Cramer” to “Glueck”

Line 243: Change “having to” to “to having”

Line 635: Change “Cane” to “Kane”

On MOTION for Bay Creek by Mr. Pritt and seconded by Mr. Glueck, with all in favor, the October 28, 2013 Joint Public Hearing and 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 October 28, 2013 Joint Public Hearing and Regular Meeting Minutes, as amended, were approved.

FOURTEENTH ORDER OF BUSINESS

Other Business (Both)

• **Action Items**

Items 1, 2, 3, 4, 6 and 12, were continued.

Items 5, 7, 8, 9, 10, 11 and 13, were deleted.

FIFTEENTH ORDER OF BUSINESS

Old Business

There being no old business, the next item followed.

SIXTEENTH ORDER OF BUSINESS

Staff Reports (Both)

A. Attorney

There being no report, the next item followed.

B. Engineer

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

C. Manager

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

Mr. McAuley presented the Unaudited Financial Statements as of October 31, 2013.

Referring to Page 3, "Landscaping", "Capital outlay", Mr. Patterson inquired about major leases. Mr. Adams advised that there were several major equipment purchases, some of which hit in October. The remainder will appear in the November financial statements. Noting that 15% was spent in one month, Mr. Patterson asked if they will still meet the budget. Mr. Adams replied affirmatively and explained that the \$47,000 annual budget amount was based on equipment lists and proposals provided by Mr. Kucera when the budget was being prepared. One piece of equipment was received and that invoice hit in October.

Mr. Patterson asked if the irrigation revenue amount, shown on Page 6, was for the month of September. Mr. Adams replied yes. Mr. Patterson stated that, since they work on an accrual basis, the amount should not be appearing here. Mr. Adams will follow up with the accounting staff and advised that it would have been billed in October for September, received in October and should accrue back to September. Mr. Patterson noted that the amount should be zero.

Referring to Page 11, under "Landscaping maintenance services", Mr. Patterson inquired about "Rentals and leases" being 37% in one month. Mr. Adams explained that, although it is shown here, it was for an outright purchase and it is a one-time charge.

ii. Savings & Money Market Account/Investment Snapshot as of 12/02/13

Mr. McAuley asked for any questions regarding to the snapshot. Referring to Fund 251, for Bay Creek, Mr. Glueck asked if FineMark Bank can be used. Mr. Adams explained that Fund 251 is a debt service fund and the investments are managed by the trustee.

iii. Monthly Status Report – Field Operations

This item was provided for informational purposes.

iv. NEXT MEETING DATE: January 27, 2014 at 2:00 P.M.

The next meeting is scheduled for January 27, 2014 at 2:00 p.m.

SEVENTEENTH ORDER OF BUSINESS Supervisors' Requests (Both)

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

EIGHTEENTH ORDER OF BUSINESS Adjournment

There being no further business to discuss, the meeting adjourned at approximately 4:46 p.m.

ACTION/AGENDA ITEMS:

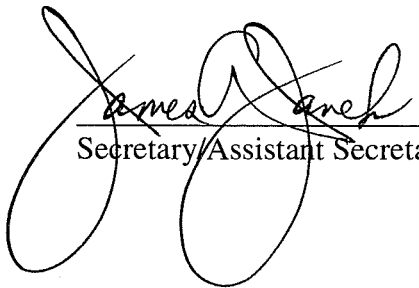
1. **ACTION ITEM:** Assess cul de sacs throughout the community for xeriscaping plan and landscaping issues
2. **ACTION ITEM:** Mr. Barraco to continue to provide the status of certifications.
3. **AGENDA ITEMS:** Continued Discussion: SFWMD Final Notice of Noncompliance Permit Conversion and Transfer to Operating Entity – Pelican’s Nest Permit
4. **ACTION ITEM:** Mr. Adams to work with Mr. Barraco to update asset map .
5. **ACTION ITEM:** Mr. Barraco and Mr. Adams to complete an analysis of the system and recommend remedies and solutions to flooding issues; also, meet with SFWMD to get their input regarding the problems created by their design and make sure that SFWMD understands that these properties are in imminent danger
6. **ACTION ITEM:** Mr. Adams to request written response from PLCA regarding illicit discharge. Mr. Adams and Mr. Cox to meet with Ms. Martel and PLCA attorney on Thursday, Dec. 12, 2013 at 10:00 a.m. Mr. Adams to report outcome to BOS
7. **ACTION ITEM:** Mr. Kemp to look into watering options to eliminate overspray on vehicles
8. **ACTION ITEM:** Staff to address issue with answering machine

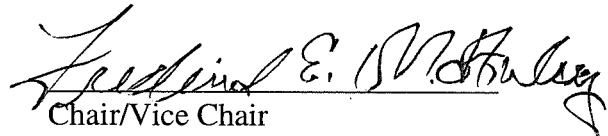
FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair