

**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, January 27, 2014 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
John Crew	Assistant Secretary
Bernie Cramer	Assistant Secretary

For Bay Creek CDD:

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

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox	District Counsel
Carl Barraco	District Engineer
Wes Kayne	Barraco & Associates
Scott Smith	Johnson Engineering
Jeff Nagle	Johnson Engineering
Bill Kurth	LakeMasters
Howard Lowe	UOC Liaison
Residents	

FIRST ORDER OF BUSINESS

Call to Order/Pledge of Allegiance

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

SECOND ORDER OF BUSINESS

Roll Call

Mr. McCarthy asked the Supervisors to state their names. For Bay Creek Community Development District, Supervisors Pritt, McVay, Janek, Glueck and McAuley were present, in person. For Bayside Improvement Community Development District, Supervisors McCarthy, Hancock, Cramer and Crew were present, in person. Supervisor Patterson was not present.

THIRD ORDER OF BUSINESS

Public Comments

Mr. McCarthy explained that new Rules of Procedure were adopted, at the last CDD meeting, based on recent legislative changes, particularly with regard to the ability of citizens to participate in public meetings. He advised that any member of the public wishing to be heard regarding an agenda item will have an opportunity to speak at the beginning of each meeting. Comments will be limited to four minutes, unless waived by the Boards. For non-agenda items, an opportunity for public input will be provided at the end of each meeting.

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

There being no public comments, the next item followed.

FOURTH ORDER OF BUSINESS

Staff Report: Engineer (Both)

Mr. Barraco explained that he will speak to the Fourth, Fifth and Sixth Orders of Business, beginning with the easements.

With regard to the certification process, Mr. Barraco recalled that, at the last meeting, he reported that the Pelican Nest system was certified and the operation and maintenance transfer was submitted to the South Florida Water Management District (SFWMD). To date, no response was received. The transfer is under review and no problems are anticipated.

Mr. Barraco advised that all certifications that the District is responsible for, with regard to the Pelican Landing system, were completed and submitted to the SFWMD, in the past month. In order to be completed and submitted, modifications to bring the existing control structure were required to bring them into compliance. The modifications were completed and the certifications were submitted. Once received, the Pelican Landing permit will be submitted for

transfer to operation and maintenance. As a part of that process, the District Engineer is reviewing all survey easements and data, which is about 90% complete.

Mr. Barraco recalled that a Notice of Violation (NOV) was received by Bay Creek CDD, as the permit holder for the system, regarding lots at 3621 and 3611 Bay Creek Drive. SFWMD found encroachments into the preserves, which is prohibited. Mr. Barraco referred to survey information for Lots 8 and 9, in Pelican Landing, Unit 29, and noted the location of a bocce ball court, concrete slab and the 25' buffer line. He explained that unauthorized improvements were made and must be addressed.

Mr. Barraco explained that Bay Creek CDD, as the permit holder, can have the improvements removed. Another solution is to contact both homeowners, advise them of the violation and provide them the opportunity to remove the improvements or modify the permit, to bring those improvements into the context of the permit. Mr. Barraco requested direction from the Board.

Referring to the survey, Mr. Cox pointed to the property line, buffer easement for the preserve area and a berm easement, and advised that improvements were made in the District's drainage easement, buffer easement or on CDD property. Mr. Cox expressed concern that, if the property owners are advised that the permit can be modified, it might set a precedent.

In response to a question from Mr. Janek, Mr. Barraco explained that the main issue is that improvements were made in a buffer zone and a drainage easement where improvements are prohibited. He clarified that, typically, when permitting a stormwater system, several types of treatment should occur before water reaches the wetland area. These improvements impact the system's ability to perform as designed.

Mr. Barraco noted that the concrete slab is beyond the buffer and lies within the preserve; therefore, SFWMD has legitimate concerns that must be addressed. The slab must be removed and the area restored.

Mr. Cox indicated that a preserve area has strict prohibitions regarding removal of vegetation; it will be necessary for SFWMD to enter into a compliance agreement with the District regarding how the violation should be addressed, such as the number of plantings required, if any, whether a fine must be paid, etc.

Mr. McAuley asked if the bocce ball court was approved or the residents simply installed it. Mr. Barraco stated that he is not aware of when the court was constructed and has no knowledge of an approval.

Mr. Cox advised that, in the past, the District entered into agreements with property owners who had encroachments into the District's lake management areas, maintenance easements or drainage easements. He speculated that, if everything else is addressed, SFWMD might allow the improvements to remain; however, an agreement must be in place stipulating that, if repairs are necessary, the District is not liable for property damage.

Mr. McAuley asked if all vegetation was removed below the bocce court. Mr. Cox replied affirmatively. Mr. McAuley noted that, in all likelihood, the homeowner is responsible for restoring the area. Mr. Cox clarified that the District's permit must be brought back into compliance.

Mr. Adams recommended advising the property owners that the District received the NOV and it must be corrected. The violations must be communicated to the property owners, along with the options to modify the permit or total removal of the encroachment and restoration of the area. Mr. Adams was in favor of removal and restoration.

Ms. McVay advised that she resides in Bay Creek. She is a member of the Bocce Committee and it took them five years to obtain a bocce court. Now that the community has a flourishing bocce program, the property owners no longer play in their yards; therefore, rather than taking an aggressive stance, she asked for approval to speak to the owners, present this information and advise them that the improvements must be removed. Mr. Barraco stated that he will provide Ms. McVay with copies of the aerial photograph, survey information and correspondence from SFWMD.

Mr. Cox stressed that the property owners must understand that the actions they will take or the compensation paid to the District for taking action, are required by SFWMD to remove the violation. Removal of the improvements may involve restoration, planting and a monitoring program, for a period of years, to ensure the viability of the plants.

Mr. Pritt voiced his understanding that the NOV contains a deadline. He suggested notifying the property owners and responding to SFWMD immediately, rather than waiting until the next meeting to take action. Mr. Cox explained that, if the first formal notice the property owners receive is from a lawyer, the property owners will hire a lawyer; however, if they are

notified informally, by a neighbor, and it is quickly followed up by a notification from Management or District Counsel, the property owners will understand. Mr. Cox advised that the notification could be worded in such a way that it is not confrontational.

Mr. McCarthy pointed out that Bayside and Bay Creek are joint permit holders; therefore, a motion for Bayside would be appropriate.

Mr. Cramer noted that, when Mr. Pritt presented his initial proposal, he indicated that three parcels were involved, Lots 8 and 9 and CDD land. Mr. Cramer asked if Ms. McVay will speak to the owners of Lots 8 and 9 or if the District must operate independently.

Mr. Pritt clarified that, if Ms. McVay believes that she cannot discuss the matter informally, a formal notice will be sent, at the end of 15 days.

Ms. McVay explained that she has been a Board Member and President of the Bay Creek HOA for over 12 years. The residents know and respect her if she tells them there is a problem. She believes she can address both property owners, as long as she has the support of Mr. Adams. She feels that the situation will be resolved amicably; if the property owners are approached pleasantly, they will likely agree to fix the problem.

On MOTION for Bay Creek by Mr. Pritt and seconded by Mr. McAuley, with all in favor, authorization for Staff to send a notification to the property owners of the properties where the violations occurred and for Ms. McVay to informally notify the property owners, within 15 days, prior to Staff's notification, was approved.

On MOTION for Bayside Improvement by Mr. Hancock and seconded by Mr. Cramer, with all in favor, authorization for Staff to send a notification to the property owners of the properties where the violations occurred and for Ms. McVay to informally notify the property owners, within 15 days, prior to Staff's notification, was approved.

Mr. Barraco reported that WCI and their engineer, Q. Grady Minor, met with the District Engineer regarding an issue involving a parcel in The Colony. Mr. Barraco explained that the original calculation of the stormwater management system did not include discharge from Pelican Landing Unit 7 into the master system for The Colony at Pelican Landing, although there

is a hydraulic connection. WCI is trying to correct the records. Mr. Barraco noted that the parcel is within the District and the District's water management system. It is developed and contributing water into the system. WCI's new calculations show that the 25-year peak stage would increase the water level by 0.1'. The report concludes that this change will not affect the minimum road elevation or permitted finished floor elevations.

Mr. Barraco advised that WCI is proposing modifications to the control structures, which were included in their calculations, and seeking approval to modify the permit to incorporate the new calculations. Mr. Barraco confirmed that the calculations appear to address the issue. WCI is attempting to document the existing hydraulic connection, in the permit and, while doing so, modify the control structure to balance water elevations.

Mr. Barraco reiterated that the project is within the District's boundaries and water management permit; the Board has an obligation to address the request. He asked the Boards to authorize the District Manager to sign the document and indicated that his firm will follow the modifications through the permitting process to ensure that the Districts are protected.

On behalf of Bayside, Mr. Crew motioned to authorize WCI to modify the stormwater management permit to meet the current system function. There was no second.

Mr. Glueck motioned on behalf of Bay Creek; the motion was seconded by Mr. McAuley.

Mr. McCarthy asked what would happen if the Boards took no action now. Mr. Barraco stated that the system will continue to function as it has. Mr. Cox voiced his understanding that WCI completed an application to modify the permit. In order to modify the stormwater system, the permit must be modified to reflect current conditions.

Mr. McCarthy pointed out that additional locations that are not in compliance with the permit will be identified; he prefers to complete all modifications at one time. Mr. McCarthy recommended that the Boards take no action until all areas have been identified. Mr. Barraco noted that modifications should be completed prior to the rainy season.

Mr. Hancock asked that the motion contain additional detail, for future reference. Discussion ensued with regard to the project name.

Mr. Cramer voiced his opinion that the application is an improper document to present to the Boards, as it contains no legal documentation.

Mr. Glueck withdrew his motion and Mr. McAuley withdrew his second.

The Board Members agreed to take no action, at this time, and to defer this item to the next meeting.

Mr. Barraco provided an update regarding investigation of the flooding that occurred on Woodsage and elsewhere. He advised that all available information was obtained from SFWMD and Lee County regarding how those areas were approved.

Mr. Barraco presented topographic photographs of actual elevations. Mr. Kayne referred to a photo depicting a location where water was viewed flowing between two homes and into the roadway. Mr. Barraco noted that there are drainage basins to the east and the west. The control elevation of the basin to the right is 12.6 and the control elevation of the basin to the left is 14.85. The homes and road were constructed based upon the lower control elevation. Mr. Barraco explained that drainage would be much better if the berm was higher so that water from the higher control system could not reach the finished floor elevations that were set by the lower elevation. He advised that the goal is to alleviate the elevations, provide relief to residents and keep water off the road, while not disturbing the mature vegetation. Information will be compiled, modeling will be performed and recommendations will be provided.

Mr. Barraco reported that, two other areas, where the berm may be too low, are allowing water to cross basins. Topographic information was obtained and will be reviewed.

Mr. Cramer noted that he received feedback from residents indicating that the survey crew was very positive and very professional.

FIFTH ORDER OF BUSINESS

**Discussion: The Colony Golf Course
Water Management Modifications
(Bayside)**

This item was discussed during the Fourth Order of Business.

SIXTH ORDER OF BUSINESS

**Drainage System Performance
Review/Modifications Status Update
(Both)**

This item was discussed during the Fourth Order of Business.

SEVENTH ORDER OF BUSINESS

**Lake Maintenance Activities Report
LakeMasters (Both)**

Mr. Kurth advised that LakeMasters performs basic maintenance operations during every treatment, which includes checking the lakes for algae and spraying grassy weeds along the shoreline. He indicated that no submersed weed treatments were performed since December, which means that the sonar applications were effective. Mr. Kurth noted that he saw fragments of submersed vegetation in two lakes; however, the only lake with a visual issue was Lake D-7, which was addressed by removing the spike rush. Mr. Kurth explained that, typically, when the lake bottom is stirred up and plant material is removed, algae growth results; therefore, a heavy algae treatment was performed.

Ms. Crismond informed Mr. Kurth that the lake still looks bad so a raking event should be scheduled for this week.

Mr. Adams requested that Mr. Kurth also view Lake B-3, which has a large amount of submersed vegetation.

Mr. Kurth recalled that a Phoslock treatment was performed on Lake E-5, in early November. Since then, no algae treatments were required. He stated that the water is crystal clear and residents expressed their thanks to the applicators, on several occasions, for improving the condition of the lake when it was actually the Phoslock application. Mr. Kurth advised that the applicators believe they are viewing residual benefit, down the line, from Lake E-5, since the flow system from Lake E-5 goes to Lakes E-4, E-3, E-2 and E-1 and those lakes have not had much algae. Mr. Kurth indicated that a small amount was observed in Lake E-1; however, Lakes E-2, E-3 and E-4, which were problematic algae lakes, are very clean.

Mr. Kurth reported that a new product will be applied to Lake F-16, this week, as an experiment. The lake has a tremendous amount of muck buildup and, as the lake is very shallow, removing some of the muck will assist with remediation. The new product is made from naturally occurring plant materials and the idea is to digest the muck.

EIGHTH ORDER OF BUSINESS**Lake Health Assessment Activities: *Dr. Serge Thomas (Both)***

Mr. McCarthy stated that Dr. Thomas was not present for today's meeting; however, communication was forwarded, advising that a draft of the final report will be completed after spring break, in the first week of March, and a final report by the end of March, once feedback is

received from the Board Members. Dr. Thomas also advised that he will ask the lab in Miami to rush the sediment samples, once they arrive.

NINTH ORDER OF BUSINESS

**Pelican Nest Drive Entry Enhancement
Options Presentation (Bay Creek)**

Mr. Adams stated that Mr. Jeff Nagle and Mr. Scott Smith, with Johnson Engineering, were in attendance. Three options and a cost estimate were provided and he asked the Board Members to focus on the presentation of the options.

Mr. Smith advised that Johnson Engineering was asked to develop three concepts to enhance the entrance at the corner of Pelican Nest Drive and U.S. 41. Mr. Smith pointed out that the concepts require more intense redevelopment of the corner and that there is room for change in any of the options.

Mr. Smith stated that the first concept is a new planting design with no changes to the sidewalks. On the north side, a connection would be installed along Pelican's Nest Drive, to U.S. 41. Much of the existing landscaping would be removed and replaced with different material, the idea being to enhance the views around the lake, particularly from Pelican's Nest Drive, along U.S. 41 and the existing sidewalk along Greenview Drive. The view across the lake would also be enhanced.

Mr. Smith pointed out that there is no place for residents to stop and rest when walking or biking. While the concept is focused on a new planting design, it was felt that rest areas were necessary and additional benches were included in the design.

Ms. McVay requested that the sidewalk be re-routed slightly closer, for privacy.

Mr. Smith explained that, with Option 2, the structural development is more intense, including rerouting the Greenview Drive sidewalk, along with an addition to the sidewalk along Pelican's Nest Drive, as well as slightly refiguring the U.S. 41 sidewalk. Mr. Smith noted that larger structures were added to accommodate a gathering of three to four people. This option takes advantage of the views across the lake. The structures can be seen from U.S. 41 and Pelican's Nest and, with plantings, the view is directed across the lake, through the fountain and to the larger structure. Mr. Smith explained that Option 2 addressed the concern regarding individuals walking by; therefore, it moves the sidewalk a little closer to the roadway, for privacy.

Mr. Smith stated that Option 3 entails more intense development. It has a park-like atmosphere giving residents a place to sit. There is a gazebo and benches are scattered around the area. Mr. Smith noted that, in this concept, there is no connection to the U.S. 41 sidewalk; therefore, it is more inclusive to the development than to the public walking along U.S. 41.

Mr. Smith explained that the rock features around the south corner of the lake will be highlighted and the utilities masked; however, the lake edge will be intensified with rock outcroppings and mimicked along the north side and toward the northwest. Along the east side, Mr. Smith suggested installing a wall or freestanding fence structure with the name of the development. It would tie the north side of the street to the south side and unify the entire frontage. In addition, some of the older plant material will be removed and replaced.

Mr. McAuley noted that residents often comment on the absence of color in the area, which makes it less appealing, and that is what they are looking for.

Mr. Smith pointed out that the three concepts considered height arrangements, view direction, etc. Color was contemplated but the options were focused on directing views and revitalizing older plant material. In response to a question from Mr. McAuley, Mr. Smith acknowledged that the three concepts focused on the lake itself, since it is a feature of the site.

With regard to a wall, Mr. Janek was in favor of placing "Pelican Landing" on the sign itself, for the benefit of the cars heading south. Mr. McCarthy noted the difficulty of obtaining permitting for signage. Ms. McVay agreed that cars going south are not able to see the Pelican Landing sign and a sign on the wall would be good, if it could be permitted. Ms. McVay voiced her opinion that allowing bicyclists on U.S. 41 to enjoy a gazebo in the CDD area is not desirable. Ms. McVay indicated that she would like to emphasize things that are good for residents and, although the design is beautiful, beyond the gate, there are places for people to sit.

Mr. McCarthy explained that Pelican Landing exceeds the allowable number of signs. At the time of the Development of Regional Impact (DRI) and zoning, requests were made that were integrated into the approvals and stipulated the number of signs allowable in excess of the minimum. Mr. McCarthy advised that a sign must be approved by the DRI, which is not easy.

Mr. Adams suggested painting the wall with the Pelican Landing color. Mr. Smith agreed that having a wall structure that imitates the sign would convey the same message to the general public.

Mr. Pritt was in favor of keeping the entrance as natural as possible and having everything inside of the gate.

Ms. McVay was in favor of the stonework in Option 3 and indicated that she prefers a natural concept. She stressed that she is not in favor of providing anything for the enjoyment of nonresidents.

Mr. Adams pointed out that there are certain elements in each concept that Board Members may or may not like. He suggested taking the next month to consider the three options and bringing their constituents to the Community Center to view the plans. At the next meeting, additional discussion will take place regarding which elements to keep and, based on that discussion, a new concept will be devised.

Mr. Cramer discussed the school bus turnaround at the end of the entrance, in front of the gatehouse, and asked about adding an area for busses and cars to pull off, for safety purposes. He also noted the congestion on Burnwood Drive and asked Mr. Smith to view the area and provide a solution.

Mr. Crew pointed out that a primary objective is to enhance security and deter access to the property; therefore, direct sidewalk connections to U.S. 41 must be immediately adjacent to the gate or not be connected at all. Mr. Adams was in favor of no direct sidewalk connection. He recommended installing a pavilion that could double as a bus shelter, in inclement weather.

Mr. Hancock stated that one of the reasons for this project is that an architect, who resides in Ascot, wrote a letter to the Supervisors. He asked if Johnson Engineering was provided with a copy of that letter. Mr. Adams advised that he will forward the letter to them.

Mr. McCarthy agreed with the idea of reaching out to the Bay Creek constituents. He suggested having a Bay Creek Board Member serve as the point person.

Mr. Howard Lowe, UOC liaison, suggested giving Pelican Landing residents the opportunity to view the plans at the UOC. He advised that Pelican Landing is considering sidewalk infrastructure work, on the north side of Pelican's Nest Drive, and recommended that the organizations work together.

Mr. McAuley noted that there are very few plantings on the other side of the gate. He indicated that both areas should be planted at the same time.

Mr. Pritt summarized that some Board Members are not in favor of adding improvements on the outside of the gate, along U.S. 41, for safety purposes and almost everyone is in favor of

adding plantings, flowers and color at the entry to Pelican Nest Drive. He noted a difference of opinion regarding structures and that most Board Members are in favor of a gazebo and adding better plantings on the south side.

The Bay Creek Board appointed Mr. Glueck as their point person to work with Johnson Engineering.

TENTH ORDER OF BUSINESS

**Consideration of Irrigation Variance
Request: 24301 Woodsage Drive
(Bayside)**

This item was tabled to the end of the meeting.

ELEVENTH ORDER OF BUSINESS

Update: Meeting with PLCA (Both)

- **CDD/PLCA Communications**

Mr. Adams advised that he and Mr. Cox met with Ms. Martel and Mr. Hart and they had a very positive meeting. The main topic of discussion was how to move forward with the drainage system, with one party taking responsibility for maintenance and the other party taking responsibility for reviewing the structural integrity of the system. Mr. Adams stated that, during that conversation, it became apparent that changes could be made to the existing agreement, removing either party from the position of having ownership of the system. Language may be added to indicate that all parties acknowledge that they have a community-wide facility that benefits the entire community. During the meeting, Mr. Adams suggested that the CDDs assume responsibility for cleaning, which the Boards previously approved and budgeted for, and that the PLCA repurpose their cleaning dollars toward the structural integrity review; this suggestion was fairly well received. Mr. Adams voiced his opinion that an agreement can be reached with language that is satisfactory to both parties. The parties also discussed working more “in tune” with one another.

Mr. Adams indicated that Mr. Cox revised the agreement and forwarded it to Ms. Martel and Mr. Hart. To date, no response was received. Mr. Adams anticipated being able to present the agreement to the Boards at the February meeting, assuming that it is approved by the PLCA.

Ms. McVay applauded Mr. Adams and Mr. Cox for working with the PLCA on an issue that is important to all residents. Mr. Adams stated that the Districts should thank the PLCA; there has been change in attitude and the meeting was very pleasant.

TWELFTH ORDER OF BUSINESS

Irrigation High User Report

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

This item was presented for informational purposes.

THIRTEENTH ORDER OF BUSINESS

Approval of December 9, 2013 Joint Public Hearing and Regular Meeting Minutes (Both)

Mr. McCarthy presented the December 9, 2013 Joint Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections.

On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. McAuley, with all in favor, the December 9, 2013 Joint Public Hearing and Regular Meeting Minutes, as presented, were approved.

On MOTION for Bayside Improvement by Mr. Hancock and seconded by Mr. Cramer, with all in favor, the December 9, 2013 Joint Public Hearing and Regular Meeting Minutes, as presented, were approved.

FOURTEENTH ORDER OF BUSINESS

Other Business (Both)

- Action Items**

Items 1, 2, 3, 4, 5 and 6 were continued.

With regard to Item 7, Mr. McCarthy reported that, following the last meeting, Mr. Kemp was able to modify the irrigation system in The Colony to begin watering at midnight, pursuant to their request.

Mr. Hancock stated that he constantly receives complaints from residents about their calls not being returned. Mr. Adams noted that it is probably not because of the answering machine. Ms. Crismond recalled an issue with Staff not indicating who they are when answering the telephone and this was addressed immediately.

Items 7 and 8 were deleted.

FIFTEENTH ORDER OF BUSINESS

Old Business (Both)

There being no old business, the next item followed.

SIXTEENTH ORDER OF BUSINESS

Staff Reports (Both)

A. Attorney

Mr. Cox advised that he will provide copies of the resolution, as adopted, relative to the Rules of Procedure.

B. Engineer

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

C. Manager

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

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2013. He noted that, through the end of December, on-roll assessment levy collections were at 80%.

On Page 2, Mr. Adams noted one-time expenditures for insurance, assessment roll preparation and subscriptions and memberships. With regard to "Water management", Mr. Adams indicated that this item was discussed under "Other contractual services: culverts/drains" and the line item was related to the unforeseen expenses that rolled over from the September drainage issues within the community. The "Monument maintenance" expense was for pressure washing and spot painting. Mr. McAuley inquired about staff painting the monuments rather than utilizing an outside vendor. Mr. Adams voiced his preference to use a professional painter.

Mr. McAuley noted an error on Page 7, under "Repairs and maintenance", which Mr. Adams will correct.

ii. Savings & Money Market Account/Investment Snapshot as of 01/21/14

This item was provided for informational purposes.

iii. Monthly Status Report – Field Operations (to be provided under separate cover)

Mr. McCarthy asked for questions or comments regarding the Monthly Status Report. Mr. McAuley complimented Staff on completing the plant installation on the Longleaf berm.

iv. NEXT MEETING DATE: February 24, 2014 at 2:00 P.M.

The next meeting is scheduled for February 24, 2014 at 2:00 p.m.

SEVENTEENTH ORDER OF BUSINESS Supervisors' Requests (Both)

Mr. Pritt discussed irrigation issues in the Ascot neighborhood that they feel are being caused by the CDD. He advised that a committee was formed and they are preparing a presentation for the CDD Board, in the near future. Mr. Adams stated that he was advised of issues and concerns with water availability by Mr. Herb Solomon but has not heard anything about water quality. He explained that the community has blow offs within their system, at the end of the cul-de-sacs, that are supposed to be operated on a monthly basis.

Mr. Adams pointed out that the District uses the same water quality, coming down Pinewater Place, for the cul-de-sac outside Pinewater and Ascot and there are no issues within the District's system leading into Ascot. Mr. Pritt requested that this item be added to the February agenda. Mr. Adams indicated that he will reach out to Mr. Solomon, in the interim.

Discussion ensued regarding a review of the Bay Creek CDD contracts with District Counsel, District management and AJC & Associates, Inc. Mr. Pritt requested the inclusion of this item on the next Bay Creek agenda.

Mr. Janek requested a review of Lake D-14, located between Costa Del Sol and The Point.

Mr. McCarthy reported that the next PLCA annexation forum is scheduled for February 7, 2014 at 6:00 p.m. As a matter of disclosure, Mr. McCarthy advised that he was asked to conduct the factual presentation portion of the meeting and will be participating in the meeting as a private citizen.

Mr. McCarthy advised that the Bayside Improvement CDD was sued by a woman who alleged to have stepped into an open valve box and the case was settled for a minimal amount of money. He reported that a boardwalk runs from Bernwood Drive, through the preserve, to the other side of the Bernwood development and trash is being deposited into the preserve from the

boardwalk. Mr. McCarthy discussed the issue with Mr. Charlie Mower, who represents the owners of Bernwood, and Mr. Mauer indicated that the boardwalk is under contract for sale; he will bring it to the purchaser's attention. Mr. Mower suggested removing the middle of the boardwalk and leaving a piece at the beginning and at the end to serve as a platform for residents to view the preserve.

Ms. McVay reported that the railings on the roll dock are very dangerous. Mr. Glueck pointed out that the official name is "Bay Creek Fishing Dock" and offered to review the railings.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

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

On MOTION for Bay Creek by Mr. Glueck and seconded by Ms. McVay, with all in favor, the Bay Creek CDD meeting adjourned at approximately 4:06 p.m.

▪ **Consideration of Irrigation Variance Request: 24301 Woodsage Drive (Bayside)**

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

Mr. Adams indicated that a request was received to increase the monthly allocation for 24301 Woodsage Drive. He stated that this lot is much larger, in comparison to others in the neighborhood. Most of the lots are about 0.5 acres but and this particular lot is about 20% larger. Mr. Adams stated that he calculated a 20% increase in allocation, from 48,000 to 58,000, which does not afford the property owners any benefits or privileges above and beyond those of any other residents in the neighborhood. The increase would be in line with the intent of the conservation rate schedule, which is to ensure that an appropriate amount of water is utilized by an appropriately sized property. Mr. Adams explained that, upon reviewing the tests, in terms of the questions pursuant to the District's rule, he finds the request to be in order and recommended approval.

Mr. Cramer remarked that the communications within Bayside are a problem, not specifically for this item but for other items that the Board did not inform the constituents of while raising the rates. He advised that he has received numerous resident calls asking what the

Board did and questioning why it was done. Mr. Cramer stressed that communication must be timely.

Mr. Cramer noted that applying for a variance is something that residents normally do and questioned why other areas in the community, with similar situations, are not being looked at. Mr. Cramer noted that he owns .46 acres and he is only allotted 38,000 gallons. He suggested that other areas, such as Tuscany, be reviewed, as well.

Mr. McCarthy asked if this parcel exceeded its monthly allocation in previous months. Mr. Adams replied affirmatively.

On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Crew, with all in favor, the irrigation variance request for 24301 Woodsage Drive, was approved.

Mr. Cramer distributed a newspaper article about Pelican Bay and noted that some of the work being performed in that area parallels what Bayside and Bay Creek are doing to reduce nutrient levels and the amount of muck in the lakes. He suggested modifying the article for dissemination to the Pelican Landing constituents.

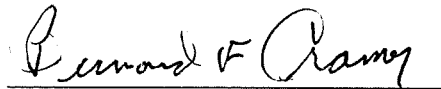
▪ **Adjournment – Bayside Improvement**

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

There being no further business to discuss, the Bayside meeting adjourned.

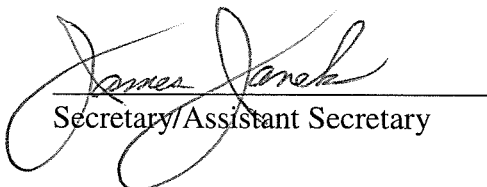
On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Hancock, with all in favor, the Bayside Improvement meeting adjourned at approximately 4:16 p.m.

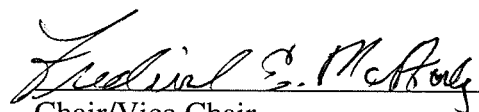
FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair

ACTION/AGENDA ITEMS:

1. **ACTION ITEM:** 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:** Ms. McVay to meet with property owners at 3611 and 3621 Bay Creek Drive to discuss removal of improvements encroaching on CDD property. Mr. Barraco to provide copies of aerial photograph, survey information and correspondence from SFWMD to Ms. McVay, to present to the residents
8. **ACTION ITEM:** Mr. Cox to send letter to SFWMD attorney advising that the violation is being pursued and that it involves private property owners.
9. **ACTION ITEM:** Mr. Adams to forward letter from Ascot resident to Johnson Engineering.
10. **ACTION ITEM:** Mr. Cox to provide Board Members with copy of adopted resolution regarding Rules of Procedure
11. **ACTION ITEM:** LakeMasters to review Lake D-14, between Costa Del Sol and The Point
12. **ACTION ITEM:** Mr. Kurth to review Lake D-3
13. **ACTION ITEM:** Mr. Scott Smith to review congestion on Burnwood Drive and present solution
14. **AGENDA ITEM:** Discussion: The Colony Golf Course Water Management Modifications (Bayside)
15. **AGENDA ITEM:** Drainage System Performance Review/Modifications Status Update (Both)

16. **AGENDA ITEM:** Lake Health Assessment Activities: *Dr. Serge Thomas* (Both)
17. **AGENDA ITEM:** Pelican Nest Drive Entry Enhancement Options Presentation (Bay Creek)
18. **AGENDA ITEM:** Update: Meeting with PLCA (Both)
19. **AGENDA ITEM:** Review of contracts for District professionals (District Counsel, District Management and AJC & Associates, Inc.)
20. **AGENDA ITEM:** WCI request for permit modification