

**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, September 22, 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
James Patterson	Assistant Secretary
John Crew	Assistant Secretary
Bernie Cramer	Assistant Secretary

**For Bay Creek CDD:**

Frederick McAuley	Chair
Nelson Glueck	Vice Chair
James Janek	Assistant Secretary
Mary McVay ( <i>via telephone</i> )	Assistant Secretary
Robert Pritt	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox	District Counsel
Carl Barraco	District Engineer
Bill Kurth	LakeMasters Aquatic Weed Control, Inc.
Dr. Serge Thomas	FGCU
Howard Lowe	UOC Liaison
Charlotte McCarthy	Resident
Residents	

**FIRST ORDER OF BUSINESS**

**Call to Order/Pledge of Allegiance**

Mr. McCarthy called the meeting to order at 2:00 p.m. 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, Patterson, Crew and Cramer were present, in person. For Bay Creek Community Development District, Supervisors Pritt, Janek, Glueck and McAuley were present, in person. Supervisor McVay was attending via telephone.

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Pritt, with all in favor, authorizing Ms. McVay's attendance and full participation, via telephone, due to special circumstances, was approved.**

Mr. McCarthy asked the Boards to consider the continued discussion of Dr. Thomas' report before the Sixth Order of Business.

Mr. Pritt stated that he must leave the meeting at 3:45 p.m.

**THIRD ORDER OF BUSINESS**

**Public Comments: *Agenda Items***

There being no public comments regarding agenda items, the next item followed.

**JOINT MEETING ITEMS**

**FOURTH ORDER OF BUSINESS**

**Staff Report: *Engineer (Both)***

Mr. Barraco reported that the staff gauge in Lake C-2 was installed and is functional.

With regard to the drainage remediation project, Mr. Barraco reported that the package is ready for submittal to the South Florida Water Management District (SFWMD). He will work on the application with Mr. Adams and suggested that, due to Mr. McCarthy's experience, he review the package, in detail, prior to signing the application. Mr. McCarthy will meet with Mr. Barraco in the next few days.

In response to Mr. Cramer's question, Mr. Barraco stated that a cost estimate was presented previously and the next step would be to decide whether to bid the project prior to construction. He indicated that there is ample time to complete the project prior to the next rainy season. Mr. Barraco stated that it was not clear whether Lee County must review and approve it, which should be taken into consideration.

Mr. Cramer asked whether the timetable was affected by permitting. Mr. Barraco estimated obtaining a permit in approximately two-and-a-half months, which should provide enough time to secure a contractor.

Mr. Cramer requested that residents be informed about the project. Mr. Barraco suggested notifying residents after the permit is received.

Mr. Hancock reported that, prior to the meeting, he and Mr. Barraco discussed the Longlake Village resident concerns regarding water levels in Lakes C-1 and C-2; the levels are not rising after the pumps have been off for more than a month. Mr. Barraco indicated that a groundwater expert advised to continue adding water to the lakes, as long as the pumps were drawing water down.

Mr. McCarthy requested that Mr. Barraco contact Lee County and the City of Bonita Springs regarding a review, as the work spanned two jurisdictions. He pointed out that each may have different requirements.

**FIFTH ORDER OF BUSINESS**

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

This item was discussed during the Fourth Order of Business.

- **Update on the Notice of Permit Violation – Mr. Ronald P. Sabatino, 3895 Stoneridge Lane**

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

Mr. Cox reported that he met with Mr. Ronald Sabatino, a resident, this afternoon; Mr. Sabatino understands that he must process an amendment with SFWMD to allow the berm to remain in its current location. Mr. Cox and Mr. Sabatino discussed landscaping that can be placed in the preserve area and, if native species are installed, it would allow Mr. Sabatino to have a view. Mr. Sabatino will work with Mr. Barraco to begin the process with SFWMD, in mid-October.

Mr. Barraco declared a conflict because he represented Mr. Sabatino’s interests in the past and questioned whether the Boards had any concern with him working for Mr. Sabatino. The Boards had no issue.

Mr. Cox pointed out that everyone is working toward the common goal of resolving the dispute with SFWMD; language in the conflict letter would state how the situation would be handled if the common goal were no longer common.

Mr. Pritt asked Mr. Barraco if he would reject the application. Mr. Barraco pointed out that he would meet with the Board to try to find a common resolution.

Mr. McCarthy questioned whether the berm is within the easement. Mr. Barraco explained that there is a 25' setback easement and a 10' berm easement. The plat clearly identifies the berm easement; however, the berm is not located within the berm easement. Mr. Barraco will work with SFWMD to ensure that the berm does not have to be moved into the berm easement.

Mr. Barraco felt that the best solution was for SFWMD to review the amendment and approve it as it is, perhaps with some additional native plantings. If there is a conflict, Mr. Barraco's Letter of Engagement with Mr. Sabatino will inform him that the District will stand back.

Mr. Pritt pointed out that, if SFWMD does not have an issue, Bay Creek would still have to enter into an agreement to allow an easement. Mr. Cox clarified that the District would have to be the applicant for the permit modification and, if the District has an issue, it has the opportunity to work out a resolution.

Mr. Barraco indicated that, if SFWMD allows the berm to remain on the District's property, an easement would not be needed but they need SFWMD's approval to allow that to happen. Mr. Cox advised that, preliminarily, there appears to be no actual problem or harm to the District or SFWMD.

Mr. Cox pointed out that the berm looks like it is the same size and capacity as the adjacent berm. Mr. Barraco indicated that, based on the survey information, it should function as designed, where it is.

**\*\*\*Mr. Barraco left the meeting.\*\*\***

▪ **Continued Discussion: Lake Health Assessment Report, Dr. Serge Thomas (Both)**

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

Mr. McCarthy referred to the Lake Health Assessment Report by Dr. Serge Thomas, of Florida Gulf Coast University (FGCU) and indicated that he would like Mr. Kurth to focus on the report and how it would impact future actions of the Boards and inclusion of the material in the specifications.

Mr. Bill Kurth, of LakeMasters Aquatic Weed Control, Inc. (LakeMasters), presented a report in response to Dr. Thomas' findings. He pointed out that the lakes in these communities are not like any other lakes and the reasons are becoming apparent.

Mr. Kurth noted that the data in Dr. Thomas' report (the report) was based on studies of natural lakes, not on manmade lakes that are controlled chemically. He explained that the Trophic State Index (TSI) is based on phosphorus, nitrogen and chlorophyll; however, LakeMasters is constantly killing plankton algae, which produces chlorophyll, so a low reading may be the result of treatments to control chlorophyll. Mr. Kurth indicated that LakeMasters does not target plankton algae unless it becomes unsightly or dense enough to impact oxygen levels.

Mr. Kurth stated that the report listed Lake A-2 as a damaged lake because it had higher chlorophyll levels and poor water clarity, even though it has looked better in the last two years than the ten years prior. The phosphorus and nitrogen levels in Lake A-2 were not worse than any of the other lakes but Dr. Thomas based most of the poor lake quality on the chlorophyll level. Mr. Kurth indicated that Dr. Thomas' recommendation for Lake A-2 was to allow some vegetation to grow; the only vegetation in that lake is Slender Spike Rush, which is unsightly but is a beneficial native plant. He advised that a plant that is beneficial in a natural lake system is not necessarily good for this lake system.

Mr. Kurth stated that there were comments about raking being the preferred way of handling algae. Raking has cured problems in some lakes but made others worse. Raking is less cost effective than chemical treatment and it is short-term control.

Mr. Kurth pointed out that it is difficult to get contractors to bid properly when there are stringent bid specifications. The pre-bid meeting is next week and Mr. Kurth questioned the direction of the Boards.

Mr. Pritt cautioned Mr. Kurth about his participation in the preparation of the bid specifications because LakeMasters could be disqualified. Mr. Adams confirmed that there was no intention of having Mr. Kurth participate.

Regarding the use of aerators in problem ponds, Mr. McCarthy suggested increasing the number of heads in ponds that already have aerators, installing them in ponds that do not have aerators, starting with the 11 test ponds; now there is a base point to measure whether there is any improvement. He also suggested upgrading the aerators in problem lakes, particularly those with high sediment, such as Lakes E-1, A-13, A-2, E-7 and A-8.

Mr. McCarthy stated that Dr. Thomas' report contains two fields of measure; sediment and floc and the sedimentation rate. With regard to sediment and floc, which is the amount of sediment on the bottom of the lake, Dr. Thomas ranked Lakes E-1, A-13, A-2, E-7 and A-8, with

E-1 being the worst. Based on size, Mr. McCarthy recommended a total of six aerators in Lake E-1 and adding four in A-13, two in A-2, seven to 11 in E-7, six in A-8, four in E-5, a total of eight in E-11, a total of eight or nine in D-14, five or six in D-4 and a total of 12 in B-2. He suggested that, after the first year, Staff re-examine the sediment and floc to determine the benefits of aeration.

Mr. McAuley questioned the total number of aeration heads that will be installed. Ms. Crismond indicated that Mr. McCarthy is suggesting adding two additional heads per acre in the lakes that were rated the worst. Mr. McCarthy estimated approximately 45 heads. Mr. McAuley asked if the cost is included in the budget. Ms. Crismond indicated that she obtained proposals for the heads, which will be provided at the next meeting. Mr. Adams stated that the lakes must be prioritized.

Mr. Kurth pointed out that, in order to add heads, compressors must be added and aeration sizing is variable; therefore, quotes will not be exact. He advised that aeration companies measure the number of heads in different ways and it made sense to add heads to lakes they already had data on and determine the correct rate and size.

Mr. McCarthy suggested that Lake E-1 have six aerators, Lake A-13 have four aerators, Lake A-2 have four aerators, Lake E-7 have 12 to 16 aerators, Lake A-8 have six aerators, Lake E-5 have four aerators, Lake E-11 have eight aerators, Lake D-14 have eight or nine aerators, Lake D-4 have five or six aerators and Lake B-2 have 12 aerators. He also suggested after the first year, Staff re-examine the sedimentation to see the benefits of aeration.

Mr. Patterson suggested maintaining the same concentration of aeration per acre, regardless of the quality of the lakes, to observe the effect. Mr. McCarthy pointed out that each lake is different; he suggested increasing the amount of aeration but limiting the amount of money they can spend.

Regarding the recommendation to dredge, if aeration fails, Mr. McCarthy expressed his opinion that adding aeration will extend the life of the lakes. Mr. Kurth pointed out that Gulf Harbour utilized dredging for shoreline control but it resulted in a lot more algae and weed problems. In another community, the lake was drained, muck was removed and the lake has been beautiful for one year; however, plankton and algae are returning. Visually, the lake appears to be the same as it was prior to dredging.

Mr. McCarthy suggested selecting nine lakes for Alum treatment trials. Mr. Adams advised that this would have to be treated under a separate service agreement because it would be an experiment.

Mr. Pritt voiced his opinion that he was tired of the Boards “micromanaging” the lakes and suggested allowing Staff to choose the lakes. Mr. McCarthy suggested giving Staff direction to obtain pricing and having the Boards prioritize the lakes. Mr. Kurth pointed out that Alum treatment is expensive; approximately \$800 per acre. Mr. Adams and Ms. Crismond will determine which lakes to start with and present a proposal to the Boards.

Regarding the recommendation to limit nutrients from entering ponds, Mr. McCarthy reminded the Boards that the worst lakes are those on the golf course. He suggested asking the golf course to better control the frequency of fertilizer applications, educate lawn maintenance companies on the use of fertilizer, properly dispose of lawn clippings and leaves and educate residents to remove turf from the pond’s edge. Mr. McCarthy suggested utilizing the PLCA to participate through email blasts, the UOC and PLCA Board.

Mr. McAuley questioned if the Districts could convince the golf course to initiate Mr. McCarthy’s suggestions for Lakes A-2 and A-8, particularly the lake bank on the edge of #17, which is rapidly disappearing. He suggested approaching the golf course, in a cooperative way, to identify ways to help the District. Mr. Adams indicated that he spoke with Mr. Jason Zimmerman and Mr. Dave Gillespie last week regarding the lake bank plantings on the golf course and they were receptive. Mr. McAuley suggested the use of mulch, rather than grass. Mr. Adams recommended knocking off the hard edge along the lakes.

Mr. McCarthy noted that Lake A-2 has a vertical bank and lends itself more to stabilization with riprap, or something similar, rather than sloping. Mr. Kurth pointed that Lake A-8 was the worst for weed growth because of the adjacent well, which pumps more than a million gallons of water per day to the lake. Mr. Adams indicated that he spoke to Mr. Zimmerman and Mr. Gillespie about getting water from RCS; therefore, that may cease to be an issue. It was noted that the golf course erosion abutting Lake A-2 needs to be addressed.

Mr. Crew supported plantings along the edge of the golf course, as it may be a good model for the Bay Cedar residents and reduce maintenance costs. Mr. Adams believed that this would help the lakes on the older part of the golf course that do not enjoy the protection of beneficial plants because they were constructed prior to the county’s littoral shelf requirement. Mr. Crew pointed out that he was on the Greens Committee and offered to speak to Mr.

Zimmerman about littoral plants on the lake edges, which should reduce maintenance costs. Mr. McCarthy clarified that the discussion was related to the embankment above the wet season water table, which would be upland plants rather than littorals.

Mr. McCarthy called attention to Dr. Thomas' last recommendation to use the equation to provide a better dose of chemicals, the use of dyes to stop algae and plant growth within the ponds with clear or shallow water and survey the remaining ponds to get a better idea of the health state of all ponds, secchi discs and sediment. Mr. McCarthy saw no harm in seeing how the equations apply themselves to dosage. He suggested adding black dye, on a limited basis, to see if there is any improvement and continue testing on all remaining ponds. He requested that Staff prepare a Request for Qualifications (RFQ) for testing of secchi tests, sedimentation, water quality and floc measurements of the remaining ponds. Mr. McCarthy recommended performing Secchi tests, sedimentation and floc measurements of the control lakes, one year after implementing the aeration changes.

Mr. Adams requested that the Boards allow Staff to work with Mr. McCarthy on preparation of the RFQ for testing services. Mr. Pritt felt that Staff should prepare the RFQ and present it to the Boards.

With regard to Dr. Thomas' recommendations for the 80 lakes that were not tested, Mr. Patterson voiced his opinion that the use of the secchi disc and sedimentation study should be continued, to demonstrate to the community that the Boards are expanding beyond sample lakes. Mr. Patterson concurred with Mr. McCarthy's suggestion to perform an annual study of the control lakes.

Mr. Pritt motioned to authorize Staff, with no assistance from the Board, to perform the work necessary for an RFQ for testing services. Mr. McAuley seconded the motion. The motion failed due to lack of a motion from Bayside.

Mr. Pritt noted that this was a delegation for one Board Member to assist with the RFQ and a violation of the Sunshine Law.

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

This item was presented under the Lake Health Assessment Report.



**SEVENTH ORDER OF BUSINESS**

**Discussion: Lake Maintenance Specifications (Both)**

Mr. McCarthy made the following suggestions for changes to the specifications:

Section 6.02, Item 1., Second Bullet: Change “manuel” to “manual”

Section 6.02, Item 1., Ninth Bullet: Change “may” to “will”

Section 6.02, Item 2.: Add “and other areas below control elevations of ponds” after “littoral zones”; Second sentence: Add “control water level around the perimeters of the ponds”, before “lakes, flow ways...”

Section 6.02, Item 3, First Sentence: Add: “provide all labor, materials, tools and equipment necessary” after “The Contractor will”; Add “of all aerators” before “in accordance...”

Section 6.02, Item 3, First Bullet: Change “include” to “including”

Section 6.02, Item 3, Second Bullet: Change “will” to “must”

Section 6.02, Item 3, Seventh Bullet, First Line: Add “for work invoiced by the 10<sup>th</sup> day of the month and” after “25<sup>th</sup> day of each month”

Section 6.02, Item 9, Line 2: Change “secure” to “produce”; Line 4: Change “character” to “visual appearance”

Section 6.02, Item 13, Last Sentence: Add “(s)” after “license”

Section 6.02, Item 3, Bullet Seven, Line 2: Change “built” to “invoiced”; Insert “with appropriate documentation” after “separately”; Line 3: Change “repair costs may” to “special repair costs are to” be invoiced separately

Mr. McAuley noted that there was no Item 4; the numbers went from 3 to 5.

Section 6.02, Item 5 “Miscellaneous Requirements”, First Bullet: Add “legally” after “only”

Section 6.02, Item 5, Second Bullet: Add “with the District” after “arranged”

Section 6.02, Item 5, after Last Bullet: Add bullets stating: “All contractor vehicles utilized on the project site must be fitted with flashing yellow warning lights” and “Work with FGCU on application of developed equations to determine better dosing of chemicals”

Mr. Hancock suggested the following changes:

Section 6.02, Item 3: Add Bullet: “check for noise” after “test and reset GFI circuitry”

Section 6.02, Item 6 “Reports”, second line: Change “men” to “workers”;

Section 6.02, Item 9, second line: Re-word “appointed inspectors”

Mr. McCarthy added the following changes:

Section 6.02, Item 6, Line 4: Change “non” to “none”; Line 5: Add “, report” after “observed”

Mr. Hancock questioned whether removal of exotic plants includes removal of exotic plants from the wetlands. Mr. Adams indicated that exotics were not allowed in the lakes but were allowed on lake banks.

**On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. McCarthy, with all in favor, the lake maintenance specifications, as amended, were approved.**

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Janek, with all in favor, the lake maintenance specifications, as amended, were approved.**

Mr. Hancock asked whether the relocation of the plantings falls under this contract. Ms. Crismond replied no and explained that Staff determines where to plant and utilizes EarthBalance to replant. Mr. Adams explained that Staff obtains proposals and uses the best priced proposal for the eight to ten CDDs that do supplemental aquatic plantings, each year. He noted that, in the past three years, EarthBalance was the lowest bidder.

Mr. Hancock requested a warranty on the plants. Mr. Adams confirmed that EarthBalance offers a 90-day warranty on 90% of the plants. Mr. Hancock suggested a one-year warranty. Ms. Crismond pointed out the Districts receive a one-year warranty on trees but not on shrubs, flowers or turf.

Mr. Janek pointed out that the Districts were currently 13” below the yearly average for rainfall and 3” to 4” below normal for September.

Mr. Hancock noted that the rain gauge must be repaired.

**EIGHTH ORDER OF BUSINESS**

**Discussion: Drain Box Medallions (Both)**

Mr. Adams referred to a handout regarding metal storm drain markers, which can last approximately 30 years. They cost \$4.50 each and the installation time is dependent upon the installation method. The recommendation from Ms. Leigh Simmons, of Lee County, is for cement core storm drain markers to be installed by in-house staff.

Mr. McAuley questioned the number of drains to receive these medallions. Mr. Adams suggested starting with the thoroughfares that receive a lot of pedestrian activity.

Mr. Pritt voiced concern about spending money on something that is not needed; he did not believe that the catch basins would last 30 years.

Mr. McCarthy pointed out that, through the PLCA, \$18,000 was appropriated this year, for the purpose of replacing the tops of catch basins. He expressed disagreement with Mr. Pritt and suggested obtaining approval from the PLCA to place a few surface mounted adhesive tops, as a test.

Mr. McAuley requested that Mr. Adams calculate the number of drains in the thoroughfares and provide the information to the PLCA to determine if they would split the cost.

Ms. McVay voiced concern about cost sharing with the PLCA because of the way it handles unit counts.; The Colony pays double when costs are shared with the PLCA.

Mr. McCarthy clarified that he was not in favor of cost sharing with the PLCA and felt that the Districts should absorb the cost; he wants the PLCA to cooperate because it is their property.

Mr. Cramer indicated that he had looked at medallions in other communities, particularly on Old 41, where the City of Bonita Springs placed medallions on each manhole; the city used plastic medallions, which were faded and not adhering.

## **NINTH ORDER OF BUSINESS**

### **Discussion: Merger of CDDs**

Mr. Janek questioned why this item was on the agenda, when this was thoroughly discussed less than two years ago. He felt that the owners of Bay Creek and Bayside were served well by having two separate Boards with 10 Board Members, more so than they would with one Board with five Board Members.

Mr. Cox advised that there have been no changes to the Statutes and there were still significant costs of \$150,000 to \$200,000 to merge, as reflected on the Cost Benefit Analysis.

**\*\*\*Mr. Pritt left the meeting.\*\*\***

Mr. Cramer questioned whether there was a method or plan for merging the Districts. Mr. Cox explained that no changes could be made, as Bay Creek was a statutorily created CDD and it has a state charter. The Board must remain a landowner elected Board until it reaches a certain number of qualified electors.

Mr. McCarthy acknowledged that he placed this item on the agenda because he believed it was appropriate to review these issues from time-to-time. He expressed concern about a current Bay Creek Board Member spending a great amount of time “up north” and another part-time resident Board Member that was a candidate but not yet elected. Mr. McCarthy felt that these Board Members should be present during the budget period, as it places a burden on the remaining three Board Members to be present, to ensure a quorum.

Ms. McVay pointed out that there was more continuity by having separate groups. She stressed the importance of the supervisory position to the community.

Mr. Crew agreed that \$150,000 to \$200,000 was excessive but, if those costs could be avoided, it would be prudent to have a single Board.

Mr. Cox advised of legislative discussions about amending Chapter 190, regarding expanded Boards, with precinct type representation by a member of each part of the community serving on the Board.

Mr. Hancock reported that the developer of Pelican Landing announced a turnover and that dramatic changes may be seen in Pelican Landing within the next 90 days, as the Unit Owners Committee (UOC) will probably disappear and the PLCA Board will probably be expanded to nine members. He was in favor of having one CDD Board but not at a cost of \$150,000 to \$200,000.

Mr. McAuley pointed out that, in two to three years, much of the CDDs’ debt will be eliminated and the yearly cost will be significantly reduced; the Districts will be asking for less from residents. He noted that, in two to three years, with the 85% rule, the developer will begin to turn over The Colony to the PLCA. The Colony has a special relationship in the current situation and something is going to change. Mr. McAuley proposed discussion of dissolving both CDDs and turning over authority to the PLCA, as he opposed having multiple Boards. He suggested that any Board Member who has served two terms step aside.

Mr. McCarthy disagreed, as The Colony was part of the Bayside Improvement District and had nothing to do with Bay Creek. He stressed that the relationship with The Colony is “brilliant”. Regarding term limits, Mr. McCarthy noted that there were not enough candidates for the Bay Creek Board to provide “new blood”.

Mr. McCarthy suggested that Mr. Cox approach the legislators about streamlining the process to make merging two CDDs easier and to provide greater flexibility to the CDDs in determining what their representation should be.

Ms. McVay pointed out that, according to WCI's documents, the UOC was supposed to be dissolved, which there will be opposition to.

**TENTH ORDER OF BUSINESS**

**Irrigation High User Report (Both)**

**A. Bayside Improvement CDD**

**B. Bay Creek CDD**

Mr. McCarthy presented the Irrigation High User Report and asked for questions.

Mr. Adams reported that the strike-outs should not have been included on the report and Staff is working on the format issues.

Mr. McCarthy pointed out that multi-family was \$9,000 and should have been multiplied by the number of units. He noted that the error was under the Tennis Center and the Tuscany residents that the Districts gave the variance to were still on the list.

Mr. Patterson indicated that his next door neighbor was on the list and, in speaking to their landscaper, learned that they handle all of the settings for Tuscany.

Mr. Cramer noted that almost all of the high users listed in the irrigation report were single-family home owners.

**C. Discussion: Public Campaign for Installation of New Rain Sensors or Repair of Existing Sensors**

Mr. McCarthy recalled that, at the last meeting, he asked Mr. Adams to research the cost for new rain sensors and create a public campaign to encourage residents to install new rain sensors or repair existing ones.

Mr. McAuley questioned whether Mr. McCarthy was suggesting that the Districts buy the rain sensors and sell them to residents. Mr. McCarthy replied that he only wanted to inform residents that the rain sensors were available.

Ms. McVay suggested including a reminder in the newsletter and bringing up the topic for discussion at the UOC meeting. She recommended offering the rain sensors at a bulk price and placing responsibility on the residents to install the rain sensors.

**ELEVENTH ORDER OF BUSINESS**

**Continued Discussion: Recent Illicit Discharge Pelican Landing/Pelican Colony Tennis Courts (Both)**

Mr. Adams provided a handout of the filter fabric and reported that a couple of Floc Logs<sup>®</sup> were installed. He explained that water will drain over the top, seep down and through the woven material, through the Floc Logs<sup>®</sup> and, eventually, into the box and out through the drainage pipes. Mr. Adams noted that the system was not tested yet, as there has not been a heavy rain. He pointed out that there is a broken concrete collar, which he will bring to the attention of Ms. Martel because the water just flows around and there is a 2" to 3" gap on the side, causing water to go directly through the catch basin.

Regarding the Pelican Colony tennis courts, Mr. Adams showed photographs of the 57 Stone around the tennis courts. He explained that water seeps into the rocks slowly and, at a certain height, it will drain over the top of the rock. Mr. Adams also showed photographs of what was done in this area. More 57 Stone and riprap will be installed down the face, to slow the flow.

Mr. Cramer pointed out that he visited the site when this work was completed and everything was seeping into the catch basin. He questioned why the same covering was not installed. Mr. Adams indicated that The Colony was not aware of the technology, at the time, and already had a commitment to complete this work. Mr. Adams suggested monitoring both approaches. He pointed out that there was evidence of clay coming from both sides, from clay spoils stored in a corner parking lot of the PLCA, which was supposedly cleaned out and re-sodded. Work was performed around that box, installing riprap and Floc Logs.

Mr. Hancock questioned whether this item could be removed from the monthly agenda and reviewed quarterly. Mr. Adams recommended continuing monitoring, for the next 30 days, as it is near the end of the rainy season. The Districts can go back to monitoring it in next June or July. Mr. Adams will provide a report at the October meeting.

Mr. McAuley reported that Pelican Landing will resurface their tennis courts next week and questioned whether the courts would be scraped down so the bricks are higher than the clay. Mr. Crew indicated that the brick layers, on the north and south sides of the courts, were above the surface level but the brick layer to the east of the westerly courts and west of the easterly courts were even with the surface, so there is still an area where the bricks are even with the surface. Mr. McAuley pointed out that the problem has not been resolved because water is running on the sides and off of the tennis courts. He also pointed out that the catch areas are full of clay.

Mr. McCarthy commented that, after heavy rain events, the courts flood and material runs in all directions. He suggested looking into a technique for containment of the material within the courts. Mr. McAuley stressed that the problem outside of the fencing must be solved and suggested doing what The Colony did with the stones.

Mr. Cramer suggested that the PLCA perform a study, on a few courts, rather than spending more and more money to resolve the problem.

Mr. McAuley recalled the Districts having an agreement with the PLCA to have them scrape down the courts. Mr. Adams indicated that there was a suggestion to scrape them down but, instead, the PLCA added a layer of brick around 50% of the perimeter, thus, re-establishing the edge. He noted that, unless the brick was placed all around, the material would be forced to discharge in another location. Mr. Adams pointed out that multiple approaches were used to resolve the problem, such as installing filters in the inlets.

**TWELFTH ORDER OF BUSINESS**

**Designation of Boards of Supervisors as Auditor Selection Committees**

**A. Consideration of RFP for Annual Audit Services**

Mr. Adams requested a motion from both Boards designating themselves as the Auditor Selection Committees.

**On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Hancock, with all in favor, designation of the Board as the Auditor Selection Committee, was approved.**

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Janek, with all in favor, designation of the Board as the Auditor Selection Committee, was approved.**

**i. Authorize Publication of RFP**

Mr. McCarthy requested that Item G include language for a guaranteed maximum fee. Mr. Adams will modify the RFP.

**On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Hancock, with all in favor, authorization for publication of an RFP for auditing services, and directing Staff to advertise, accordingly, were approved.**

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Janek, with all in favor, authorization for publication of an RFP for auditing services, and directing Staff to advertise, accordingly, were approved.**

**THIRTEENTH ORDER OF BUSINESS**

**Discussion: Installation of Security Fencing at Spring Creek Overpass**

Mr. Hancock reported that the perpetrators of the problem on Tuscany entered into the community through the missing fence by the Spring Creek Overpass. He proposed installing fencing on all four sides, down the concrete abutment from the street, to 4’ to 5’ feet above the ground, which The Colony was in favor of securing this area.

Mr. McCarthy questioned whether this would be appropriate under Fund 002. Mr. Adams indicated that they always utilized Funds 001 and 101, as this is the outer perimeter of the entire community.

Mr. McCarthy expressed concern about installing fencing under their own appropriations. Mr. Adams noted that this project will probably take a while because county approval must be obtained, as it is in the county’s right-of-way. The only approval the Districts have within that right-of-way is landscape related, by agreement, to the fence along the back of the guard rail.

Mr. McAuley pointed out that the bridge was built by the CDDs. Mr. Adams indicated that it was but it was then turned over to the county. Mr. McAuley felt that there must be a warranty.

Mr. McCarthy suggested that Staff look into this matter further to determine the implications. He pointed out that, if the property was in the county right-of-way, the county may not want a fence. Mr. Adams agreed and further noted that the CDDs must take on responsibility for long-term maintenance and removal.

Ms. McVay pointed out that installation of this fence would solve the PLCA’s privacy problem.

Mr. Adams will secure prices to install the fence and Mr. McCarthy will speak with the Florida Department of Transportation (FDOT).



Mr. Hancock pointed out that the Boards take the security risk in The Colony seriously and are addressing it.

Mr. Hancock recalled that, at the last UOC meeting, the Boards were asked by the City of Bonita Springs to revisit the installation of fencing between Lakemont and Burnt Pine; however, this will not work because a property owner disagrees. Mr. McCarthy pointed out that the Districts do not install fences; security and privacy are the responsibility of the PLCA. He recommended bringing the matter to the PLCA. Mr. Hancock will inform the PLCA that the Districts do not install fencing.

**\*\*\*Mr. Glueck left the meeting.\*\*\***

Mr. McCarthy advised that the quorum for Bay Creek was lost.

**Adjournment: Bay Creek**

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

There being no quorum, the Bay Creek CDD meeting adjourned.

**FOURTEENTH ORDER OF BUSINESS**

**Discussion: Aquascaping Selections**

Mr. Hancock reported that he received complaints about spikerush. He noted that, according to the Annual Quality Assurance Audit, 20,000 spikerush plants were projected to be planted in Longlake, on Lake C-3. Ms. Crismond clarified that only 2,500 spikerush plants would be planted; this was an error in the report.

Mr. Hancock indicated that residents are complaining about the spikerush, which traps algae and looks like sewage. He proposed looking for better plants.

Mr. Hancock pointed out that ten lakes were scheduled to receive spikerush. Ms. Crismond confirmed that spikerush was planted in 13 lakes weeks ago.

Mr. McCarthy requested that Staff be cognizant about not planting spikerush during subsequent plantings. Mr. Adams noted the limitations, as deeper water relies on spikerush; flowering plants could be used for the upper section. The alternatives are to use spatterdock, lilies and bulrush. Mr. Adams pointed out that the goal of the SFWMD is to have a diverse littoral shelf containing three to four varieties of plants, with 80% to 85% coverage of the littoral shelf, which cannot be achieved unless spikerush is included.

Mr. Hancock indicated that Lee County suggested using Petacapan instead of spikerush and voiced his opinion that Mr. Adams preferred to listen to two or three people versus 2,000 to

3,000 residents. Mr. Adams disagreed and pointed out that the plan that is being used was being utilized in another county. Mr. Adams noted that it was modified, specifically to be used in Pelican Landing and recognizes spikerush as an extensively used plant in Pelican Landing. Mr. Adams indicated that this document was used as part of an educational campaign. Mr. Hancock acknowledged that the Districts tried the educational campaign but it did not work, because residents were “fed up” with what spikerush does to algae.

Mr. Crew recalled that the Boards approved a plan of action introducing a variety of plantings in place of spikerush. Mr. Adams indicated that this plan was used on Lake C-3, very successfully. He noted that more of the vertical flowing plants were added to show more diversity; actually, 10,000 were planted and did very well. Mr. Crew pointed out that a lot did not survive and were replanted with spikerush.

Ms. Crismond reminded the Boards that 2,500 spikerush were planted, which was a much different from 10,000 shell plants on a lake.

**FIFTEENTH ORDER OF BUSINESS**

**Approval of August 25, 2014 Joint Public Hearings and Regular Meeting Minutes (Both)**

Mr. McCarthy presented the August 25, 2014 Joint Public Hearings and Regular Meeting Minutes for the Bayside Board’s consideration.

The following changes were made:

Lines 121through123: Delete entire paragraph

Line 270: Change “Lake A-8” to “Lake A-2”

Line 646: Change “lot” to “box”

Action Item List, #11: Change “Lake A-8” to “Lake A-2”

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Patterson, with all in favor, the August 25, 2014 Joint Public Hearings and Regular Meeting Minutes, as amended, were approved.**

**SIXTEENTH ORDER OF BUSINESS**

**Other Business (Both)**

- **Action Items**

Ms. Crismond will provide her comments on the Action Items List to Management’s office.

Regarding Item 14, Mr. Patterson questioned whether Mr. Adams and Mr. Kucera reviewed the replacement plants at the North Gate.

Ms. Crismond referred to the Field Operations Report and indicated that they were removing White Fountain Grasses and Indian Hawthorne, expanding the existing flower bed and planting Firebush and Green Island Ficus. Petunias will be added at the next flower rotation. Mr. Adams clarified that the Firebushes will be installed along the center part of the wall to give a backdrop and continuous color. Green Island Ficus looks similar to Hawthorne but is a lot heartier and darker green. Mr. Adams noted that the Firebush will be maintained at a height of 4’ so it does not cover the beautiful wall but will provide real volume. Mr. Adams pointed out that Firebush also has continuous color.

Mr. Patterson expressed concern about the 200 to 300 yards from the wall to the gate house. Mr. Adams confirmed that he was working on this project with the Chair and on the main entry. He noted that the shrub program was just completed. Mr. Adams pointed out that some of the tired beds at each entrance will be addressed.

Mr. Cramer questioned the status of Item 12. Mr. Adams indicated that quotes were obtained and provided to Mr. Peter Kane. He was told by Mr. Kane that he will contact a Board Member because Bay Cedar residents do not have money available to them.

Mr. Patterson questioned what happened with the situation inside the Tuscan gates. Mr. Adams confirmed that the work was completed and the neighbors were delighted with it. Mr. McCarthy commented that it looks fantastic.

**SEVENTEENTH ORDER OF BUSINESS            Old Business (Both)**

There being no old business, the next item followed.

**EIGHTEENTH ORDER OF BUSINESS            Staff Reports (Both)**

**A.     Attorney**

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

**B.     Manager**

**i.       Approval of Unaudited Financial Statements as of August 31, 2014**

Mr. Adams presented the Unaudited Financial Statements as of August 31, 2014.

**ii. Savings & Money Market Account/Investment Snapshot as of 09/14/14**

With regard to investments, Mr. McCarthy advised that the Districts have a lot of cash and will be receiving more before long. He believed that some of the accounts can be moved around.

Mr. Adams indicated that, according to the financials, “Combined balance” is all FDIC covered and used to pay bills every two weeks.

**iii. Monthly Status Report: Field Operations**

Ms. Crismond presented the Field Operations Monthly Status Report.

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

Mr. McCarthy advised that the next meeting is scheduled for October 27, 2014 at 2:00 p.m., at this location.

**NINETEENTH ORDER OF BUSINESS**

**Supervisors’ Requests (Both)**

Mr. Patterson questioned why “Other contractual services: culverts/drains”, as reflected on Page 2 of the Financial Statements, was at 182% when they were setting aside money. Mr. McCarthy indicated that some of that money was used before the Districts took over the culverts/drains but two major issues cost \$5,000 to \$6,000. Ms. Crismond pointed out that there was another expenditure of \$9,000 for culverts/drains in Tuscany.

Mr. Cramer questioned why “Office operations”, on Page 3, showed a 213% increase. Mr. Adams will review the account detail to determine if something was coded incorrectly.

Mr. Hancock pointed out that, at the last meeting, it was noted in the minutes that Mr. Caldwell would discuss funding participation with his colleagues and report to Mr. Adams or Mr. McCarthy. He suggested that Mr. Adams track the funds they were expecting from WCI in connection with the turnover. Mr. Adams advised that turnover to the association has no affect on the CDDs’ Funding Agreements. Those are being tracked as they wrap up their certification program. Mr. Cramer questioned whether it would be advisable for the CDD to have a representative from WCI attend the meeting, for informational purposes. Mr. Adams will speak with Ms. Martel.

Mr. Hancock indicated that 20,000 spikerush plants, on Lake C-3, were replaced at the contractor’s expense due to overspraying. Ms. Crismond explained that, after their meeting, they

did not proceed with the spikerush because of the spray. Mr. Adams noted that 500 of the other types of plants will be planted and treatment approaches will be changed.

Mr. Janek reported an incident where someone trespassed onto a property to pick berries wearing a CDD vest and questioned whether the vest was found. Mr. Adams indicated that the vest was returned and it is suspected that this vest was thrown into the dumpster because it was damaged. In the future, all worn vests will be disposed of offsite.

Mr. Patterson questioned whether WCI was ready to deed over the lakes. Mr. Adams replied that Mr. Dave Caldwell still has additional work to complete but, before they leave, WCI will have those titles turned over to the CDDs, PLCA or The Colony Foundation. He noted that this was not a priority because the CDD has easements; however, in terms of the community, they want to have lake bottoms in the names of the CDDs because of the risk of people driving into lakes and the fact that the CDD has sovereign immunity, which would limit any claim against the community.

**TWENTIETH ORDER OF BUSINESS**

**Public Comments: *Non-Agenda Items***

Ms. Charlotte McCarthy, a resident, stated that the spikerush has been bothering residents for many years and something needs to be done. She requested that Staff look into an alternative.

Ms. McCarthy suggested that Staff distribute decals as an educational tool.

**TWENTY-FIRST ORDER OF BUSINESS**

**Adjournment: *Bayside Improvement***

There being no further business to discuss, the Bayside Improvement CDD meeting adjourned at 5:27 p.m.

**BAY CREEK CDD ITEMS**

**TWENTY-SECOND ORDER OF BUSINESS**

**Consideration of Irrigation Variance Request: *25161 Bay Cedar Drive***

This item was not discussed and will be placed on the next agenda.


**TWENTY-THIRD ORDER OF BUSINESS**

**Adjournment: *Bay Creek***

This item was presented during the Thirteenth Order of Business.

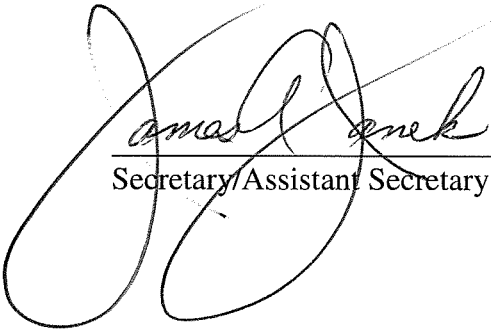
[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**FOR BAYSIDE IMPROVEMENT:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair