

**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, February 23, 2015 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
John Crew	Vice Chair
John Kaiser	Assistant Secretary
James Patterson	Assistant Secretary
Bernie Cramer	Assistant Secretary

For Bay Creek CDD:

Fred McAuley	Chair
Nelson Glueck	Vice Chair
James Janek	Assistant Secretary
Mary McVay	Assistant Secretary
Jesse W. Lawrence	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox	District Counsel
Carl Barraco	District Engineer
Lori Clemence	Clarke Aquatic Services
Nolan Norris	Clarke Aquatic Services
Dr. Bret Bultemeier	Clarke Aquatic Services
Howard Lowe	UOC Liaison
Marvin Hancock	Resident

FIRST ORDER OF BUSINESS

Call to Order/Pledge of Allegiance

Mr. McAuley 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 Cramer, Patterson, Kaiser, Crew and McCarthy were present, in person. For Bay Creek Community Development District, Supervisors Lawrence, McVay, Janek, Glueck and McAuley were present, in person.

THIRD ORDER OF BUSINESS

Public Comments (*Agenda Items*)

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

▪ **Presentation to Mr. Marvin Hancock**

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

Mr. McCarthy presented an award to Mr. Marvin Hancock in recognition of his outstanding service to the Bayside Improvement CDD. Mr. McCarthy conveyed the Board’s appreciation and wished Mr. Hancock luck in his future endeavors.

Mr. Hancock stated that it was not only a pleasure but a lot of fun working with the CDD. He indicated that, together, much was accomplished during his tenure on the Board and he hoped that he was leaving the community in a better place than when he arrived.

Ms. McVay personally and individually wished Mr. Hancock luck on the PLCA Board. Mr. Hancock thanked Ms. McVay.

BAYSIDE IMPROVEMENT ITEM

FOURTH ORDER OF BUSINESS

Consideration of Acceptance of Ownership Transfer of Certain Lake Tracts from the Pelican Landing Community Association

Mr. McCarthy advised that the lake tracts being considered for ownership transfer were all located on the same plat and were parts of lakes, rather than complete lakes. The tracts were deeded to the PLCA as part of the platting and Ms. Martel discovered that they were under PLCA ownership, although the CDD maintains them.

Mr. Cramer questioned who originated the ownership transfer. He noted the absence of a transmittal letter in the agenda package and asked if one was required.

Mr. Adams explained that, many years ago, a policy was adopted by the Districts and the PLCA whereby the Districts would have fee title ownership of the lakes, since the Districts were already maintaining them and because lakes can sometimes be receiving bodies for vehicles and accidents; therefore, if the CDDs owned them and the PLCA had nothing to do with them, the claim potential was lessened, due to the District’s sovereign immunity protection. Mr. Adams pointed out that these tracts were transferred prior to the initiation of the policy.

On MOTION for Bayside Improvement by Mr. Kaiser and seconded by Mr. Patterson, with all in favor, Acceptance of Ownership Transfer of Certain Lake Tracts from the Pelican Landing Community Association, authorization for Staff to work with PLCA staff to prepare the appropriate ownership transfer documents and for the Chair to execute, were approved.

Mr. Crew voiced concern that Ms. McVay’s comment regarding Mr. Hancock and the PLCA Board appeared to be an endorsement by the CDD Board; he felt it was an inappropriate comment to make in a CDD meeting.

Ms. McVay stated that she felt that the Chair should have been asking the questions.

Mr. McAuley clarified which comment Mr. Crew was referring to and noted that Ms. McVay’s comment was not bad; she wished Mr. Hancock well in running for office on the PLCA Board.

Ms. McVay expressed her apologies.

Mr. Adams stated, for the record, that the comment was an individual comment by Ms. McVay; it was not made as a CDD Board Member.

JOINT MEETING ITEMS

FIFTH ORDER OF BUSINESS

Staff Report: Engineer (Both)

This item was addressed after the Seventh Order of Business.

SIXTH ORDER OF BUSINESS

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

Mr. Adams reported that Staff completed the drawings, which were previously submitted to the City of Bonita Springs, and resubmitted them to the South Florida Water Management District (SFWMD) last week. SFWMD has the drawings and the project is out for bid, both for construction and the sluice gate fabrication and supply. The bids are due by March 13 and will be tabulated and presented to the Boards for consideration at the March meeting. There are five firms for the construction portion of the bid and four for the sluice gate portion.

Mr. Kaiser inquired about the estimated time frame for installation. Mr. Adams explained that schedules must be discussed around the time the contract is awarded, as this is a busy time for the building industry and it is not a large project. Mr. Adams anticipated construction completion by the end of June.

Mr. Cramer requested an engineering drawing. Mr. Adams will forward a PDF version to the Board Members.

SEVENTH ORDER OF BUSINESS

**Lake Maintenance Activities Report
(Both)**

Mr. McAuley stated that a Lake Management Report for Bay Creek was received from Mr. Kurth and the Board was pleased with the work that is being performed.

With regard to Bayside, Mr. Nolan Norris, of Clarke Aquatic Services (Clarke), reported that most of Clarke’s attention was focused on the ponds on Pelican Colony Boulevard, near the first roundabout. There were algae blooms and floating weeds that reached the surface and had a calcium buildup that appeared as algae. Another pond had pollen around the perimeter. Following the meeting, Lake A-1 will be viewed to determine whether raking is required.

Mr. Norris noted that Dr. Bret Bultemeier, Clarke’s Water Resource Manager, was in attendance. Mr. Norris advised that, if the Board has science based or biological questions or if clarity is needed, Dr. Bultemeier is an excellent resource.

Mr. Norris recalled that, several weeks ago, Clarke was asked to provide a quote for black pond dye on several lakes; however, he was unsure why the request was made. He indicated that Clarke uses pond dyes on a regular basis, as determined by the aquatic applicators in the field. Mr. Norris explained that black dye shades the pond from sunlight. Blue dye has a light spectrum and seems to do a better job than black dye; however, black is more aesthetically pleasing. Once the dye leaves the system and flushes out, Mr. Nolan asked whether it will be

considered routine maintenance in order to keep the pond shaded or if this was a test. He stated that the ponds that were noted are not typically those that he would dye.

Ms. Crismond advised that the recommendation came from Dr. Serge Thomas, of Florida Gulf Coast University (FGCU), when the one-year study was performed on select ponds. Dr. Thomas suggested using black dye. Ms. Crismond stated that Staff secured proposals but questioned why the District would pay to have the lakes dyed, as the application would help with pond maintenance. Ms. Crismond pointed out that LakeMasters added dye to certain lakes in Bay Creek.

Mr. McCarthy indicated that the study pre-dated Clarke's involvement and, in hindsight, he would rather have Clarke decide how to maintain the lakes, to the best of their ability, and the Boards and Staff comment on the results.

Dr. Bultemeier asked if the issue was that the residents would be concerned with seeing blue color in the water or if, on a trial basis, some lakes should be dyed blue and some black. He pointed out that both are effective; however, blue is Clarke's preferred choice.

Mr. McCarthy recalled that blue was used in the past and he did not recall any resident concerns but Dr. Thomas felt that black would be best. Dr. Bultemeier explained that black dye cannot be seen; with blue dye, there is a definite change in water color.

Mr. McCarthy felt that the decision should be left to Clarke. Ms. Crismond noted that the lake in Bellagio is always dyed blue.

Mr. Crew voiced his opinion that, if Mr. Norris does not feel that the lake needs dye, it should not be dyed.

Mr. Cramer recalled that the last time Dr. Thomas attended a meeting and made his presentation, he was asked to return and make recommendations regarding what can be done by Staff and residents to eliminate the pollutants that are entering the lake. Mr. Adams will invite Dr. Thomas to attend a meeting.

Mr. Patterson reported a heavy growth of Wedelia on Lake A-12. He recalled that it started growing in one corner of the bank and is rapidly growing along the north side. Mr. Patterson stressed that the plant will take over the entire bank, if it is not removed. Mr. Norris will inspect the banks.

▪ **Staff Report: Engineer (Both)**

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

With regard to the stormwater management system, Mr. Barraco expressed confidence that he would receive the permit within 30 days. The application to the City of Bonita Springs was also submitted. No issues were anticipated with receiving the city’s permit in the same time frame.

Mr. Barraco advised that the bid packages for the project were sent to the contractors and are due by March 13. The bids will be evaluated by Staff and the results will be provided to the Boards. Mr. Barraco stated that all of the contactors are reputable and familiar with the project.

Mr. Barraco indicated that, once the contract is awarded, the sluice gates will take four to six weeks to construct. He saw no reason why the system would not be in place and operational prior to when the lakes begin rising to control elevation.

Mr. Crew questioned whether any of the project fell within Estero. Mr. Barraco replied no; all of the construction lies within the City of Bonita Springs.

Mr. Cramer asked for a summary of the project to incorporate into a community newsletter or e-blast. He also wanted to include information explaining what the District’s relationship with WCI will be and WCI’s financial participation.

Mr. Barraco recalled that Mr. Cramer asked for the exhibit and it was completed; however, it may not have been disseminated to the Board Members. Mr. Adams confirmed that the Boards received the exhibit; Mr. Cramer was looking for something verbal to add to the newsletter. Mr. Adams noted that the exhibit is also on the District website.

Mr. Barraco indicated that he will provide the narrative that was submitted to SFWMD to Mr. Adams.

Mr. Barraco reported that the NPDES Report was delivered to Mr. Adams today and the pollutant loading analysis is almost completed; it is due in mid-March.

EIGHTH ORDER OF BUSINESS

Irrigation High User Report (Both)

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

Mr. McCarthy commented that the usage and revenues increased, which is indicative of the high users using more water.

Mr. McAuley suggested examining this item during the budget discussions.

Ms. McVay commented on the illegibility of the report.

With regard to high usage, Ms. McVay stated that residents are abusing a limited resource. She asked the purpose of the tiered rates and whether they are to discourage residents from abusing the resource.

Mr. McCarthy indicated that the tiered rates provide a monetary deterrent; however, a large portion of the community does not care. In response to Ms. McVay's question, Mr. McCarthy stated that the system is working, as high user residents are being penalized, monetarily.

Ms. McVay pointed out that Bay Creek has less than \$300 in overages; she speaks to the Bay Creek residents each month, at the monthly meetings and calls her constituents to advise them when they are using too much water.

Ms. McVay recalled that, last month, the Bayside Board discussed decreasing their District's rates and voiced her opinion that a decrease was inappropriate. Mr. McCarthy felt that it was not "appropriate for a Bay Creek Member to dictate to Bayside what Bayside should be doing, any more than a Bayside Member should dictate to Bay Creek what Bay Creek should be doing". Mr. McCarthy explained that the Districts have different demographics and there is a much higher concentration of single-family homes in Bayside, with individual devices controlling the irrigation for each; when there are fewer homes, it is much easier to control. Mr. McCarthy advised that rates were increased when the Boards felt it was appropriate to increase them and should adjust the rates when it is appropriate.

Mr. Lawrence asked whether the bills indicate that the homeowner is in the penalty phase.

Mr. McCarthy indicated that the bill states "if you have used the maximum amount under this category, your bill would have been 'x'".

Mr. Lawrence asked if the Boards like or dislike the penalties and whether the penalty rate was a "cash register" that the Board Members were happy about. Mr. Adams clarified that irrigation water is a finite resource and the Districts operate under a consumptive use permit that has limits on how much water can be pulled out of the ground and how much can be pumped out to customers. Mr. Adams stressed that control must be retained; otherwise, the Districts will be seeking an alternative source, if the annual maximum amount is reached.

Mr. Patterson advised that, if he notices that a homeowner is new to the penalty list, he will phone them and they thank him; he tells them that their controller may not be set properly or they may have a leak that should be checked.

Mr. Cramer questioned why, for the last two months, the over usage at the Tennis Center in The Colony and the PLCA, was eliminated from the report. Mr. Adams replied both are within their usage range, which is a good thing.

NINTH ORDER OF BUSINESS

Discussion: Aggressive Rain Sensor Campaign in Upcoming Newsletter

Mr. Adams stated that this topic was a continuation of the previous conversation regarding preserving resources and ensuring that clocks are working properly. With regard to education, residents must be made aware that rain sensors require attention, at least every three to five years. The membranes must be changed because they dry out and deteriorate and cease to function. Mr. Adams explained that rain sensors are designed to operate consistently with how plant material absorbs and dispels water, through transpiration.

Mr. Adams advised that Staff will contact local irrigation companies to obtain a cost estimate, or flat rate, to inspect and repair sensors. The information will be forwarded to Ms. McVay and Mr. Cramer, for inclusion in the newsletter, along with articles that were used in other Districts.

With regard to water usage, Mr. Cramer stated that a resident on Pennyroyal was hundreds of dollars over, on a monthly basis. He spoke to the resident and, with Mr. Adams' permission, Mr. Kemp inspected the system while the resident's irrigation specialist was present and the problem was corrected immediately.

Mr. McCarthy stated that residents should be advised to set their timers to water twice per week, on prescribed days, and for each zone to run approximately 15 minutes.

TENTH ORDER OF BUSINESS

Consideration of Revised Quotes for Addition of Black Dye to Lakes

This item was discussed during the Seventh Order of Business.

ELEVENTH ORDER OF BUSINESS

Approval of January 26, 2015 Joint Regular Meeting Minutes (Both)

Mr. McAuley presented the January 26, 2015 Joint Regular Meeting Minutes. He requested that additions, deletions or corrections be provided to Ms. Crismond.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Patterson, with all in favor, the January 26, 2015 Joint Regular Meeting Minutes, as amended, were approved.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Glueck, with all in favor, the January 26, 2015 Joint Regular Meeting Minutes, as amended, were approved.

TWELFTH ORDER OF BUSINESS

Other Business (Both)

- **Action Items**

Mr. McAuley presented the action items and asked if any items were not completed or if any should be added to the list.

Mr. Kaiser recalled that palm trimming was discussed at the last meeting. Crews were seen working in many locations and extensive praise was expressed at the association meetings regarding how nice the palms look.

In response to a request from Mr. McAuley, Mr. Adams explained that CDD staff wanted to complete many special projects but, at the same time, five or six staff positions became vacant. Mr. Kemp was filling in for Mr. Kucera and was a little overwhelmed. Mr. Kucera has been back for several weeks but two positions remain vacant. Crews are working Friday afternoons and Saturdays, through the end of the month, to catch up. Mr. Adams indicated that the plant replacement and fill-in project began at the same time palm pruning was taking place.

Mr. Adams advised that, in the next week, Staff will meet with Mr. Kucera to plan and schedule the cul-de-sac renovation project off Pennyroyal. Every other cul-de-sac will become “pedestrian friendly”, with a bench on the water side. In addition, the treatments along the lake will be enhanced with different varieties and colors. It is anticipated that demolition will begin in mid-March, with project completion in mid-April. Flower change outs will be performed in mid-May, as well as a mulch treatment, in late April or early May.

Mr. McAuley asked why Bougainvillea was not used more in the community. Mr. Adams explained that Bougainvillea works well in sunny areas but the community has many

mature oak trees which creates a lot of shade. Bougainvillea likes intense sunlight and prefer to be dry.

Mr. McCarthy noted that Seville was used to re-sod Pelican Colony Boulevard, particularly in the islands. He asked Staff to view the areas where sod was being installed, as Seville grows well in partially shaded areas.

Mr. Patterson called attention to Pelican Colony Boulevard, from the gatehouse to the fountain, and indicated that the shrubs are overgrown on both sides of the median and the palms have not been trimmed. He asked Mr. Adams to prioritize these areas before work begins on the cul-de-sacs.

Ms. McVay advised that she sent a list of items to Ms. Crismond and Mr. Adams; she applauded them for their efforts in accomplishing those tasks.

With regard to the storm drain medallions, Ms. McVay spoke with Ms. Martel and she would like them in the parcel neighborhoods. Mr. Adams advised that he emailed to Ms. Martel and Mr. Schopf, last month, and received no response. Mr. Adams suggested that the PLCA obtain CDD approval to place medallions on PLCA arterial road drain inlet boxes and then show the parcel neighborhoods what they are referring to and why medallions are a good idea.

Mr. Crew noted the Murano association's desire for medallions and asked if The Colony thoroughfares will have them or if those are separate. Mr. Adams indicated that Staff has not yet moved in that direction.

Discussion returned to the action items. With regard to Item 5, Mr. Adams indicated that the contractor will come to the Board if he feels that Alum treatments are necessary. This item will be deleted.

In Item 8, the City of Panama City Beach will be changed to the City of Bonita Springs.

Referring to Item 9, Mr. Adams reported that, this morning, he and Mr. Cox participated in a conference call with Spring Creek Village's counsel and board and advised them that the District is not in a position to participate in funding to clean the ditch because it does not benefit Pelican Landing. Mr. Adams pointed out to them that the District's funds are public funds; funds received through assessment collections to maintain or improve facilities that do not benefit those who pay assessments is not permitted. Opposing Counsel will contact Mr. Cox if Spring Creek Village chooses to pursue the issue further.

With regard to Item 10, Mr. Adams advised that the NPDES Report will be continued to next month; the report will be provided to the Board Members prior to submittal, although it may be one week to 10 days late. He noted that this has been done in the past.

The following items were continued:

Items 1, 2, 3, 4, 7, 8, 10, 13

The following items were deleted:

Items 5, 6, 9, 11, 12 and 14

With regard to neighborhood improvements, Ms. McVay suggested painting the green concrete wall on Walden Center Drive, in the future. She was advised to speak with Mr. Jack Lienesch.

THIRTEENTH ORDER OF BUSINESS

Old Business (Both)

With regard to the pump station on the Parkway, Mr. Adams reported that a settlement was reached with the insurance carrier for the pump company, in the amount of \$27,000, based upon engineering expenses, to date, and construction proposals that were secured. The project is moving forward and should commence within 30 days.

FOURTEENTH ORDER OF BUSINESS

Staff Reports (Both)

A. Attorney

There being no report, the next item followed.

B. Manager

i. Approval of Unaudited Financial Statements as of January 31, 2015

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2015.

Referring to Page 2, Mr. Patterson noted that the EarthBalance bill was paid twice. Mr. Adams explained that one bill was carried over from 2014. Mr. Patterson indicated that “Other contractual services: wetlands” appears twice, on Page 6; only one line item should appear and “(BS)” and “(BC)” should be removed.

ii. Savings & Money Market Account/Investment Snapshot as of 2/16/15

Mr. McCarthy pointed out that investments were not earning much interest. Mr. Adams advised that there is a large balance in the FineMark Bank ICS Money Market Account, which yields higher earnings. That balance will be increased closer to the FDIC insurance limit.

iii. Monthly Status Report: Field Operations

Ms. Crismond’s monthly status report was provided for informational purposes.

iv. NEXT MEETING DATE: March 23, 2015 at 2:00 P.M.

Mr. McAuley advised that the next meeting will be held on March 23, 2015 at 2:00 p.m.

FIFTEENTH ORDER OF BUSINESS

Supervisors’ Requests (Both)

Mr. Patterson pointed out that the District never accepted lakes, in the past, unless they had aerators. Mr. Adams clarified that that is the District’s policy with WCI; the new lakes in The Colony contain aerators. He noted that aerators were installed in the lakes that were transferred from the PLCA.

Mr. Cramer expressed a concern that the Children’s Park “looks like a cave” and it is overgrown. Staff will have the park cleaned up.

Mr. McCarthy inquired about the measurements for Lake C-2, provided by Mr. Lowe. Mr. Lowe explained that the information included in the Monthly Status Report is the first report; a resident is taking weekly readings of the lake levels, which will be submitted to Ms. Crismond, quarterly. Mr. McCarthy asked Mr. Lowe if the lake levels appear to be okay. Mr. Lowe indicated that he discussed them with Mr. Adams, prior to the meeting, and it appears that Lake C-1 was stabilized slightly higher than last year and Lake C-2 was slightly lower. The drains were recently cleaned and Mr. Adams informed him of the new pump and how it may impact water levels.

Mr. McCarthy noted that the lake levels are very close to control elevation and appear to be stabilized at the proper levels.

SIXTEENTH ORDER OF BUSINESS

Public Comments: *Non-agenda Items*

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

BAYSIDE IMPROVEMENT ITEMS

SEVENTEENTH ORDER OF BUSINESS

Adjournment: *Bayside Improvement*

There being no further business to discuss, the Bayside Improvement meeting adjourned at 3:30 p.m.

BAY CREEK CDD ITEMS

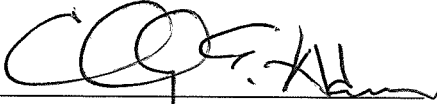
EIGHTEENTH ORDER OF BUSINESS

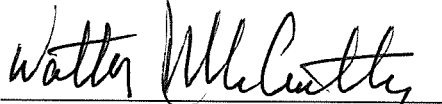
Adjournment: *Bay Creek*

There being nothing further to discuss, the Bay Creek meeting adjourned at 3:30 p.m.

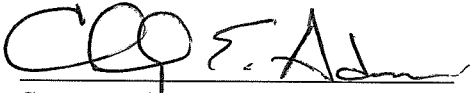
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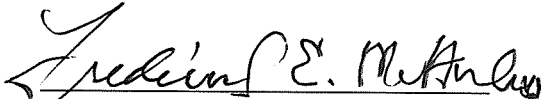
FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair