

**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 22, 2016 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
James Patterson	Assistant Secretary
Bernie Cramer	Assistant Secretary
John Kaiser	Assistant Secretary

**For Bay Creek CDD:**

Fred McAuley	Chair
Nelson Glueck	Vice Chair
James Janek	Assistant Secretary
Jesse W. Lawrence ( <i>via telephone</i> )	Assistant Secretary
Mary McVay	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox	District Counsel
Carl Barraco	Johnson Engineering
Bill Kurth	LakeMasters Aquatic Weed Control, Inc.
Clyde Knowles	PLCA Liaison
Charlotte McCarthy	UOC Representative – Pelican Landing
Howie Ames	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, all Supervisors were present, in person.

For Bay Creek Community Development District, Supervisors Janek, McVay, Glueck and McAuley were present, in person. Supervisor Lawrence was attending via telephone.

**THIRD ORDER OF BUSINESS**

**Public Comments: *Agenda Items***

There being no public comments, the next item followed.

**JOINT BOARD ITEMS**

**FOURTH ORDER OF BUSINESS**

**Staff Report: Engineer (Both)**

Mr. Barraco believed that the agreement with Hyatt Equities, LLC (Hyatt), governing discharges into the surface water management system, may have been executed. Mr. McCarthy stated that, before today's meeting, he received a call from the Hyatt regarding minor changes to the agreement. Mr. Cox will discuss the changes with Hyatt.

Mr. Barraco reported that the National Pollutant Discharge Elimination System (NPDES) Year 4 Annual Report was completed; it was reviewed, informally, with the county and the county was pleased.

Mr. Cramer asked if the NPDES report addressed the previous illegal discharge from the tennis center into Lake E-1 or E-2. Mr. Barraco advised that the report only contains information for the past year.

Mr. Barraco provided an update on the potential violations related to the Sabatino Bocce Ball Courts, concrete pad on the adjacent lot and the canoe launch. Mr. Sabatino wants the District to proceed with the modification. He is willing to pay the application fee and understands that there are fees associated with the creation of a passive conservation easement.

Mr. Barraco recommended not moving forward with the modification until a decision is made regarding the canoe launch. Since the bocce ball courts are now in a conservation easement, it is considered a major modification and the application fee is approximately \$2,500. The bocce ball courts, concrete pad and canoe launch can be addressed with one application. Although it appears that Lee County approved the canoe launch improvements and there was

some discussion about including the District, Mr. Barraco has not seen any documentation reflecting that either the South Florida Water Management District (SFWMD) or the Florida Department of Environmental Protection (FDEP) acknowledged the launch. He felt that, eventually, the agencies will issue a violation.

Mr. Janek surmised that one application would cover the canoe launch and the bocce ball courts, if The Pointe agrees to pay their portion of the costs. Mr. Barraco replied “correct”. Mr. McCarthy stressed that \$2,500 was an estimate. Mr. Barraco explained that fees are based on acreage and will be determined by the number of areas to be addressed. If Mr. Sabatino is the only participant, he will pay the entire application fee; if others participate, the fee will be negotiated amongst the participants. Per Mr. Janek, The Pointe agreed to pay \$1,000 for the canoe launch modification.

Mr. Barraco stated that, generally, violations are issued to the controlling entity, meaning the District; the District must then address the violation with the responsible parties.

Mr. McAuley questioned why the CDD would be in violation if The Pointe owns the property. Mr. Barraco explained that, when a violation is issued, SFWMD determines the operating entity, which is the CDD, and that is where the process begins.

In response to a question from Ms. McVay, Mr. Barraco indicated that he and District Counsel will estimate legal fees and related costs. SFWMD was unsure about what would be required. A passive conservation easement and an adjustment to HOA or condominium documents to fit the permit were mentioned. While a permit modification is not required for Lot 8, there are costs associated with removal of the concrete pad and installing plants.

**FIFTH ORDER OF BUSINESS****Update: Drainage Remediation Project**

Mr. Barraco reported that Staff met with the contractor to review the plans and the contractor appears to have a good understanding of what is involved and is comfortable with the quotes that were provided. Mr. Cox is preparing the contract. It was stressed to the contractor that time is of the essence, although it is beneficial to wait until the lakes are at control elevation. The contractor agreed to begin work with two weeks’ notice. The permit modification schedule was updated to allocate sufficient time for project completion.

**SIXTH ORDER OF BUSINESS**

**Lake Maintenance Activities Reports:  
*LakeMasters Aquatic Weed Control, Inc.*  
(Both)**

Mr. Kurth discussed LakeMasters' concern about water levels in the area. In many communities, the wetlands are under water. Mr. Kurth stated that it is good that the Districts are moving forward with the outfall modifications.

Mr. Kurth advised that Sonar treatments were suspended due to heavy rains. In Bay Creek, significant progress was made with Lakes B-5 and D-15. A different herbicide was used to control bladderwort and the treatment was successful; bladderwort is virtually gone. Algae diminished in Lake B-5 but there is light algae among beneficial plants. LakeMasters began adding beneficial bacteria to the lakes for nutrient mitigation, prevention of algae growth and to mitigate muck.

Mr. Kurth noted that the water in Lake D-9 is crystal clear and, as a result of aeration and adding beneficial bacteria, there is no algae on the bottom.

With regard to Bayside, Mr. Kurth advised that the crews were very frustrated. About five gallons of Sonar herbicide was lost due to rain. A Clipper herbicide is being used for bladderwort. The lakes that look good will not be treated for one or two months, until the rain eases and Sonar can be used. Some lakes have algae growth due to nutrients from heavy rainfall. Heavy winds also hampered lake maintenance activities; however, Mr. Kurth noted marked improvement in all lakes. Lake E-12 will be treated tomorrow.

Mr. Patterson asked how LakeMasters progressed since taking over lake maintenance from Clarke Aquatic Services, Inc. (Clarke). Mr. Kurth stated that LakeMasters made significant headway. Clarke put forth a lot of effort, toward the end, which may have helped. Lake A-8 has plankton growth and Lake A-7 has a small amount of submersed vegetation around the edge. There is chara in nearly every lake and almost all were treated; two lakes still have chara because of the hardness of the water and treatments will continue. In other areas, torpedo grass was targeted.

Mr. Kurth recalled that a quote for adding grass carp in Lakes A-7 and A-8 was requested but he felt that grass carp should be added to other lakes, at the same time. A quote will be provided to Ms. Crismond.

Ms. McVay stated that residents of her community are very pleased with the improvement in Lake B-9.

Mr. Cramer asked if Mr. Kurth was questioned by residents of other communities about the Zika virus and standing water. Mr. Kurth researched the Zika virus and that type of mosquito prefers standing water so there should be concern, to some extent. The community should give consideration to landscaping because certain types of plants, particularly bromeliad, hold water and mosquitoes will breed. Granules containing BTI may be added to plants to kill mosquito larvae.

Mr. McCarthy reported that Lake A-18 has surface algae, which was previously brought under control; he was concerned about new growth. He asked Mr. Kurth to provide information regarding submersed and surface algae, common to Pelican Landing, for reference by the Boards during his presentations.

On Lake A-2, Mr. Crew reported that Pelican Nest will reconfigure the green and build a bulkhead. Work will begin on April 15.

**\*\*\*Mr. Kaiser left the meeting.\*\*\***

**SEVENTH ORDER OF BUSINESS**

**Irrigation Reports (Both)**

**A. High User**

- i. Bayside Improvement CDD**
- ii. Bay Creek CDD**

These reports were provided for informational purposes.

**B. Penalty Usage Summary: *Bayside Improvement CDD***

This report was provided for informational purposes.

**C. Zero Consumption**

- i. Bayside Improvement CDD**
- ii. Bay Creek CDD**

These reports were provided for informational purposes.

**JOINT BOARD ITEMS**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Proposal from The  
Naples Studio for Aerial Imaging/Video  
of Wetland Areas**

Mr. Adams presented a revised proposal from Naples Studio for aerial imaging and video of the wetland areas, which included acreage in Bay Creek.

Mr. McAuley noted that the proposal was for aerial imaging and video of 190 acres, at \$36 per acre, for a total of \$6,840.

Mr. McAuley asked if the Pelican Landing Community Association (PLCA) would contribute toward the drone. Mr. Knowles replied no.

Mr. Cramer suggested devising a process to identify areas to be viewed the following year, using an overlay to determine whether growth or deterioration occurred. He also requested that Staff develop a procedure for notifying the community when drone flights begin.

Mr. Adams advised that information will be communicated to residents through the PLCA, particularly residents whose homes abut wetland areas. It is anticipated that drone monitoring will begin in the May/June time frame. Mr. Adams explained that Mr. Townsend can use a dark base mat with an overlay on top, as the video is filmed, to identify obvious changes in vegetation.

Ms. McVay asked Mr. Knowles to ask the PLCA board to consider aerial imaging and video of the beach. Since Mr. Townsend will already be taking aerial videos of the wetlands, a reasonable price may be secured.

Mr. Patterson felt that many pictures will be produced that no one will have time to view and analyze.

Mr. Adams stated that he will view the video and provide copies to Board Members to identify areas that might be of concern.

Mr. McCarthy felt that the video would be beneficial to companies such as EarthBalance. Mr. Adams pointed out that the wetland contractor will be aware of the yearly video monitoring, which may result in greater attention to areas that are further inside the wetlands.

Mr. Cramer made a presentation to the Colony Residents Committee (CRC), last month, regarding the CDDs' efforts, and resident response was very positive.

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Glueck, with all in favor, the Naples Studio proposal for aerial imaging/video of 190 acres of wetlands, at \$36 per acre, for a total of \$6,840, was approved.**

**On MOTION for Bayside Improvement by Mr. Crew and seconded by Mr. Cramer, with Mr. Crew, Mr. Cramer and Mr. McCarthy in favor and Mr. Patterson dissenting, the Naples Studio proposal for aerial imaging/video of 190 acres of wetlands, at \$36 per acre, for a total of \$6,840, was approved. (Motion passed 3-1)**

**NINTH ORDER OF BUSINESS**

**Update: Landscape Working Group Meeting with PLCA**

Mr. Crew reported on a meeting that was attended by Mr. Adams, Ms. Crismond, Mr. Glueck, himself, Mr. Knowles, Mr. Joe Hammerman and Ms. Nancy Page, to discuss the service agreement between the CDDs and the PLCA. The group discussed the use of a landscape architect, the functions that the landscape architect would perform and whether those functions would be the CDDs' or the PLCA's responsibility. Mr. Adams agreed to prepare an initial draft of the maintenance agreement.

Mr. Glueck noted that the landscape architect's view of landscaping improvements at the Community Center would be considered first.

Mr. Adams stated that the PLCA and Landscape Committee will interview landscape architects, with "Old Florida" as the theme. The Community Center will be the "test site" for capital improvements.

Mr. Patterson did not agree with the Bayside working group representative also serving as Chairman of the Landscape Committee.

Mr. Cramer understood that the initial meeting was to discuss the key elements of the tasks to be performed, i.e., finding an architect, such as Mr. Michael Stewart. He felt that, because this will become a large community program, minutes should be taken at the meetings and provided to Board Members. Mr. Cramer recalled discussion of whether the DRC or a separate group should be responsible for the landscaping project, as capital funds will be utilized and, from the Districts' perspective, capital funds are not expended for this type of project.

Mr. Adams and Ms. Crismond took notes at the meeting, outlining action items and philosophies. Once the maintenance agreement is executed and, as the capital side evolves, both groups will agree on the participation of the two entities and an addendum to the agreement will be provided.

Mr. Howie Ames, a resident, asked if lighting would be considered part of landscaping. Mr. Adams commented that landscape up lighting is part of the landscape program discussion but streetlights are not. Mr. Ames stated that landscape lighting is important; however, he understood, from the last meeting, that tree trimming and removal would be considered. Mr. Ames indicated that part of the issue is that the CDDs are viewing security as a whole community and part of security is that trees are hanging over the streetlights, preventing proper lighting of the area. Mr. Adams explained that, since the trees are owned by private property owners, the Districts must coordinate with the PLCA to identify areas where trees are in conflict with CDD streetlights and encourage residents to arrange to trim the trees back from the streetlights.

Ms. McVay felt that Mr. Ames had a valid point and that the Districts could include streetlights in the discussion and refer the issue to the PLCA, while the landscaping is being considered.

Mr. Adams advised against including streetlights as part of the landscaping refurbishment. He explained that the CDDs can address areas where it has control, and does so, periodically; however, the CDD has no control over areas where trees are owned by private property owners.

Mr. McCarthy commented that there are areas, such as the main entrance and throughout the community, where trees located on CDD property interfere with streetlights. Mr. McCarthy felt that better tree trimming was necessary in those areas. Mr. Adams agreed.

Mr. Patterson recalled the Districts trimming branches around streetlights, in the past, even though the trees were on private property, because the lighting is the CDDs' responsibility. Mr. Adams advised against the CDD trimming trees on private property unless the trees are trimmed in accordance with Best Management Practices; private property owners should employ a certified arborist to strategically remove tree limbs, to maintain the tree's structural integrity and shape.

Discussion ensued regarding tree trimming and removal in the community.



With regard to the potential agreement between the Districts and the PLCA for common area maintenance, Mr. Patterson called Mr. George Drabb, the first Chairman of Bayside, and Mr. Drabb did not recall a maintenance contract; there was an agreement between the PLCA and the Districts whereby the Districts would be responsible for maintaining common areas. Mr. Adams confirmed that an agreement was approved by the CDD, as indicated in the minutes but he was unable to locate a fully executed version of the document. This agreement will be used as the basis for the new agreement.

Referring to a tree on Bay Cedar Drive, Mr. McCarthy stated that stricter tree trimming regulations are necessary. If not trimmed properly, a tree never recovers or assumes its natural shape. He suggested devising a procedure that residents must follow prior to major tree trimming. Enforcement is the responsibility of the homeowners association.

Mr. Knowles asked if the Districts could trim trees and then bill the resident. Mr. Adams indicated that residents should be advised that canopy tree trimming must be performed by a licensed arborist and a list should be provided.

Ms. McVay requested a list of certified arborists to include in the weekly Pelican Landing bulletin.

**TENTH ORDER OF BUSINESS**

**Approval of January 25, 2016 Joint Regular Meeting Minutes (Both)**

Mr. McAuley presented the January 25, 2016 Joint Regular Meeting Minutes and requested that corrections be provided to Ms. Crismond.

The following changes were made:

Line 391: Insert “to the use of drones” after “affirmatively”

Line 553: Insert “brooms” after “dual”

Line 273: Change “Mr. Crew replaced a streetlight” to “The CDD replaced a streetlight”

Line 60: Insert “Barraco advised that all contractors who originally submitted proposals were contacted” after “Mr.”

**On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the January 25, 2016 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 25, 2016 Joint Regular Meeting Minutes, as amended, were approved.**

**ELEVENTH ORDER OF BUSINESS**

**Other Business (Both)**

- **Action Items**

Mr. McAuley presented the action items.

Items 10, 11, 12 and 13 will be removed.

Items 1, 2, 3, 4, 5, 6, 7, 8, 9 and 14 will remain.

**TWELFTH ORDER OF BUSINESS**

**Old Business (Both)**

There being no old business, the next item followed.

**THIRTEENTH ORDER OF BUSINESS**

**Staff Reports (Both)**

**A. Attorney**

Mr. Cox reported that a legislative bill was introduced regarding the merger of Districts. Bayside Improvement was created by the Florida Land and Water Adjudicatory Commission and Bay Creek was created by Lee County so the process cannot be streamlined. The merged Districts would have a five-member Board, with two Board Members elected from each District and one at-large Board Member.

Mr. McCarthy pointed out that Bayside represents 80% of the community and 80% of the community has 100% representation. Under this proposal, Bayside would be reduced to one-half of its representation, in addition to one possible at-large representative, which equates to 60%. The legislation proposes more equal representation for CDDs without regard for the population and current representation so, personally, he would not support Bayside entering into a merger.

Mr. Janek stated that this is the first time he heard it but it sounded like 75%, with 3 seats on one side and two on the other. Ms. Crismond clarified that there would be two and two, with one at-large seat.

Mr. Crew asked if the requirement of two Board Members from each District would be in perpetuity. Mr. Cox stated that the bill indicates that each District would have two representatives and one would be elected at large. Mr. Crew could see merging, if it was for the

first election and then seats were open, after that; however, he could never support merging, based on a five-person Board, with two members from each District.

**B. Manager**

**i. Approval of Unaudited Financial Statements as of January 31, 2016**

The Unaudited Financial Statements as of January 31, 2016 were provided for informational purposes.

Mr. Adams reported that Golden Harvest, the gate manufacturer, anticipates delivery no later than May 15.

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

Ms. Crismond presented a proposal to install aeration in Lakes A-11 and A-12, for approximately \$18,000.

Mr. McCarthy asked how many proposals were secured. Ms. Crismond replied just LakeMasters but noted that, whenever a cost “spot check” is performed, LakeMasters always has the lowest prices, in this and other communities.

**On MOTION for Bay Creek by Mr. Glueck and seconded by Ms. McVay, with all in favor, the LakeMasters proposal to install aeration in Lakes A-11 and A-12, in a not-to-exceed amount of \$17,891.72, was approved.**

**On MOTION for Bayside Improvement by Mr. Crew and seconded by Mr. Cramer, with all in favor, the LakeMasters proposal to install aeration in Lakes A-11 and A-12, in a not-to-exceed amount of \$17,891.72, was approved.**

**iii. NEXT MEETING DATE: March 28, 2016 at 2:00 P.M.**

The next meeting will be held on March 28, 2016 at 2:00 p.m., at this location.

**FOURTEENTH ORDER OF BUSINESS**

**Supervisors’ Requests (Both)**

Mr. Patterson indicated that the CDDs own the roads in the northeast corner of The Tides and the north entrance, opposite the gate, and are responsible for restriping.

Mr. Adams stated that a section was addressed last year, north of Colony Drive, through The Tides intersection and out to US 41; another section will be restriped this year. Mr. Patterson asked which areas would be addressed. Mr. Adams replied North Commons, beyond The Tides intersection, and Pelican Colony Boulevard, from the gatehouse to US 41. Discussion ensued about ownership of Walden Center Drive and North Commons.

**FIFTEENTH ORDER OF BUSINESS**

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

There being no public comments, the next item followed.

**SIXTEENTH ORDER OF BUSINESS**

**Adjournment**

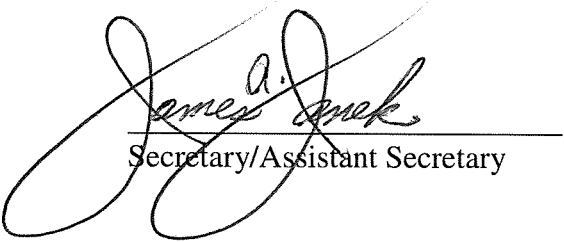
There being no further business to discuss, the meeting adjourned at 3:30 p.m.

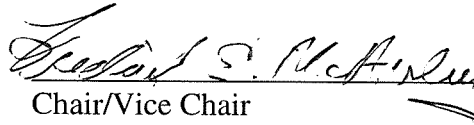
**FOR BAYSIDE IMPROVEMENT:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair