

**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, May 23, 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 <i>(via telephone)</i>	Assistant Secretary
John Kaiser <i>(via telephone)</i>	Assistant Secretary

For Bay Creek CDD:

Fred McAuley	Chair
James Janek	Assistant Secretary
Mary McVay <i>(via telephone)</i>	Assistant Secretary
Robert Travers	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox <i>(via telephone)</i>	District Counsel
Carl Barraco	District Engineer
Bill Kurth	LakeMasters Aquatic Weed Control, Inc.
Jane Roberts	Resident
Lisa Bain	Resident
Wes Stillwagon	Resident

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.

- **Administration of Oath of Office to Supervisor Robert Travers *(the following to be provided in separate package)***

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

Mr. McCarthy indicated that the Oath of Office was administered to Supervisor Travers prior to the meeting.

SECOND ORDER OF BUSINESS

Roll Call

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

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, authorizing Ms. McVay’s attendance and full participation, via telephone, due to exceptional circumstances, was approved.

On MOTION for Bayside Improvement by Mr. Crew and seconded by Mr. Patterson, with all in favor, authorizing Mr. Cramer and Mr. Kaiser’s attendance and full participation, via telephone, due to exceptional circumstances, was approved.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

There were no public comments on agenda items.

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

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

Mr. McCarthy received a public comment card not related to an agenda item and asked the Boards’ permission for the resident to speak. The Boards concurred.

Ms. Jane Roberts, a resident of Canterbury Court, stated that a mid-rise building was being constructed across the street, on Pennyroyal Drive, and Canterbury Court residents were surprised and dismayed about the height of the building. She asked if a landscaping buffer could be installed to block the view of the upper two stories of the building and for backyard privacy. From a security standpoint, there are gaps in the hedges. It would be very easy for someone to climb over the fence and the neighborhood already has prowler issues.

Mr. McCarthy advised that security and privacy were not CDD issues; Ms. Roberts must contact the Pelican Landing Community Association (PLCA). With regard to the building, the area was rezoned and the zoning issue was publicly advertised. Mr. Cramer attended the hearings.

Mr. Cramer reported that line-of-sight issues were the only complaint heard during the hearings. At the meeting, he stressed the importance of protection for residents from any line-of-sight issues because the original intent was for the buildings to be 70' high, from ground level. Mr. Cramer requested that the builder's intention be relayed to the CDDs so that the CDDs and PLCA could inform residents about the project; however, no one came forward.

Mr. Cramer has direct contact with Diamond Construction and offered to work with residents and the landscape committee.

Mr. McCarthy reiterated that Mr. Cramer attended the meetings, on behalf of himself and the CDDs, and the CDDs did their best to "do the right thing" for residents. Ms. Roberts should express her concerns to the City of Bonita Springs Community Development Department or to her City Council representative.

Mr. Janek asked if Mr. Cramer could find out if the builder was planning to install landscaping on that side of the road. Mr. McCarthy stated unless there are deviations from the Land Development Code (LDC), a landscaping buffer was required along the street.

Based on the drawings, renderings and line-of-sight information, Mr. Cramer stated that the CDD could not plant anything that would create an immediate buffer zone; much of the oak trees were trimmed away.

Ms. Lisa Bain, a Canterbury Court resident, reported hearing someone on her property two weeks ago and also last night. There is no hedge in this particular area and several residents requested that Ms. Bain ask the CDD about installing one. Ms. Crismond stated that Staff would inspect the area.

Mr. Wes Stillwagon, a resident, stated that two large trees were removed, between Sanctuary and The Colony circle, on the south side, and asked if the CDD was aware of the tree removal. Mr. McCarthy stated that the CDD Board authorized removal because the roots were a safety hazard. Mr. Stillwagon commented that there is a large open area that does not look nice. Mr. Stillwagon stated that he lives on Goldcrest Drive, on a cul-de-sac and, when he moved in, there were five trees in the circle but only one tree remains. Mr. Crew will review the roundabout.

BAY CREEK ITEMS

FOURTH ORDER OF BUSINESS

Administration of Oath of Office to Supervisor Robert Travers *(the following to be provided in separate package)*

*****This item was presented following the First Order of Business.*****

Mr. Adams provided and briefly reviewed the following items:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - o **Form 1: Statement of Financial Interests**
 - o **Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - o **Form 1F: Final Statement of Financial Interests**
- D. Form 8B: Memorandum of Voting Conflict for County, Municipal and Other Local Public Officers**
- E. Ratification of Resolution 2016-1, Electing Officers of the District**

Mr. Adams presented Resolution 2016-1 for the Board’s consideration.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. McAuley, with all in favor, Resolution 2016-1, Electing the Officers of the District, was ratified.

JOINT BOARD ITEMS

FIFTH ORDER OF BUSINESS

Staff Report: Engineer (Both)

Mr. Barraco reported that the gates are fabricated and scheduled to be delivered on Friday. The District Manager coordinated a drop off point. The contractor is scheduled to mobilize this week and will begin construction immediately, thereafter. The District Engineer will oversee the progress and work with the District Manager, on site. The schedule that was provided is behind by two weeks, based on the delivery date. Mr. Barraco felt that the Boards might want to install landscaping around the area once the gates were installed.

Mr. Adams advised that Ms. Martel and Brian were aware that delivery is scheduled for Thursday or Friday, of this week. The PLCA was notified of the intent to stage the sluice gates

at the end of Black Rush Court and that the area would be restored, once the project is completed. A communication was sent to all residents adjacent to the project.

In response to a question from Mr. Patterson, Mr. Barraco stated that the specifications for the control structures, with regard to how much concrete is to be cut and the depth, are detailed in the plans and were included in the contract.

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

This item was discussed during the Fifth Order of Business.

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

Mr. Kurth's schedule did not allow him to take pictures; however, he reviewed the lakes with Mr. Jeff Dever, Assistant Manager, for an update and get an idea of what the lake applicators were doing. Long Lake "blew up", completely, from the submersed and chara treatments, so the crews responded with heavy treatments, last week. It appeared that great improvements were derived but additional work remained. In Lake C-4, submersed vegetation was beginning to spread outside the plants. Tomorrow, Mr. Kurth will tour the property with the Branch Manager and Assistant Manager to ensure that all issues were being addressed.

Mr. Kurth reported that Sonar herbicide applications were ongoing, in many lakes. In addition, Clipper herbicide treatments were being performed in the lakes with bladderwort, specifically. Ponder was applied in Lake #5 to improve water quality. Growth colonies of the natural beneficial bacteria that exist in the lakes and feed on nutrients were added to Lakes A-8, A-11, A-12, A-18, B-5, D-7, D-9, F-1, F-6, F-16 and T-1, to increase the population in order to mitigate nutrient levels.

Mr. McCarthy noticed that Lakes A-2 and A-3 were not mentioned in the lake maintenance report and asked what program was being used. Mr. Kurth stated that algae and grasses were being sprayed. Lake A-2 was much better with grass carp. Some submersed treatment was performed, initially. Sonar is not used because the lake flows most of the time. Mr. Kurth did not observe any major problems in Lake A-2. Lake A-3 had _____ grass but it does not grow much. Lake A-4 occasionally has a small amount of algae and grass and was treated for submersed vegetation, one time, in about ten years.

EIGHTH ORDER OF BUSINESS

Discussion: Water Quality Testing and Analysis

Mr. McCarthy stated that the water quality testing and analysis results were not received. Mr. Adams advised that Mr. Dennison was on vacation; he will disseminate the testing results, once they are received.

This item was deferred.

NINTH 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**

On Page 1, Mr. Patterson noted that 24781 Pennyroyal Drive was on the list for many months. Ms. Crismond advised that the water was cut off. Mr. Patterson pointed out that a penalty was applied for non-payment and commented that there must not be any vegetation on the property. Ms. Crismond stated that the owner may have switched to potable water. If the yard was not watered, it would have burned and someone would have been notified; the lawn is being watered, somehow. Mr. Patterson asked how to resolve the question. Ms. Crismond suggested calling the resident.

Mr. Adams noted that three of the meters on the list were related to golf maintenance. Mr. McCarthy stated that the golf maintenance facilities were no longer watering. Mr. Patterson stated that Terzetto received a \$1,300 penalty. Mr. Adams pointed out that Terzetto began at 600 gallons and is still at 600 gallons and has been on the list for awhile. The system must have been tied into another meter. Mr. Adams will bring this to Mr. Caldwell's attention.

TENTH ORDER OF BUSINESS**Consideration of Resolutions Approving the Districts' Proposed Budgets for Fiscal Year 2016/2017 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; and Providing An Effective Date**

Mr. McCarthy stated that the Districts are statutorily required to hold a Public Hearing to adopt an annual budget. A budget workshop is held in July, on a Friday, with a regularly scheduled meeting on the following Monday to adopt the budget that was discussed at the workshop. The proposed budget is being presented to meet the statutory requirements and begin the budget process.

Mr. Patterson noted that the "General" fund was lower than Fiscal Year 2016 and the other funds were almost the same; he was concerned that there was no cushion to make changes at the workshop. Mr. Adams stated that was by design; changes were made based on obvious year-to-date expenditures and additional frequencies in certain programs. At the workshop, all line items will be reviewed and the assessment level will be determined. If assessments increase, affected property owners must be notified. The Boards are not held to any of the proposed funding levels, at this point.

Further discussion ensued.

- **Resolution 2016-1, *Bayside Improvement Community Development District***

Mr. McCarthy presented Resolution 2016-1 for the Bayside Improvement Board's consideration.

On MOTION for Bayside Improvement by Mr. Kaiser and seconded by Mr. Crew, with all in favor, Resolution 2016-1, Approving the Districts' Proposed Budgets for Fiscal Year 2016/2017 and Setting a Public Hearing for Monday, August 22, 2016 at 2:00 p.m., at this location, was adopted.

- **Resolution 2016-2, *Bay Creek Community Development District***

Mr. McCarthy presented Resolution 2016-2 for the Bay Creek Board's consideration.

On MOTION for Bay Creek by Mr. McAuley and seconded by Mr. Janek, with all in favor, Resolution 2016-2, Approving the Districts’ Proposed Budgets for Fiscal Year 2016/2017 and Setting a Public Hearing for Monday, August 22, 2016 at 2:00 p.m., at this location, was adopted.

ELEVENTH ORDER OF BUSINESS

Notice of General Election: November 8, 2016

- **Official Candidate Qualifying Period: Noon, June 20, 2016 – Noon, June 24, 2016**
 - **Candidates May Pre-Qualify Beginning June 6, 2016 at 10:00 A.M.**

Mr. McCarthy stated that the official candidate qualifying period for the General Election is from Noon, June 20, 2016, to Noon, June 24, 2016. Candidates may pre-qualify beginning June 6, 2016 at 10:00 a.m. Resolutions must be adopted to implement Section 190.006(3)(A)(2)(C), Florida Statutes, instructing the Lee County Supervisor of Elections to conduct the District’s General Election.

Mr. McCarthy clarified that the Districts are located in Lee County, not Collier County. The Resolutions correctly confirmed Lee County.

- **Consideration of Resolutions Implementing Section 190.006(3)(A)(2)(C), Florida Statutes, and Instructing the Collier County Supervisor of Elections to Conduct the District’s General Election**
 - **Resolution 2016-2, *Bayside Improvement Community Development District* [1, 3 & 5]**

On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Crew, with all in favor, Resolution 2016-2, Implementing Section 190.006(3)(A)(2)(C), Florida Statutes, and Instructing the Lee County Supervisor of Elections to Conduct the District’s General Election, was adopted.

- **Resolution 2016-3, *Bay Creek Community Development District* [1 & 3]**

On MOTION for Bay Creek by Mr. McAuley and seconded by Mr. Travers, with all in favor, Resolution 2016-3, Implementing Section 190.006(3)(A)(2)(C), Florida Statutes, and Instructing the Lee County Supervisor of Elections to Conduct the District’s General Election, was adopted.

Mr. McCarthy stated that, for Bayside, Seat 1, currently held by Mr. Crew, Seat 3, currently held by him, and Seat 5, currently held by Mr. Patterson, would be up for election.

Mr. Patterson did not plan to run for reelection; however, Mr. Crew and Mr. McCarthy planned to run for Seats 1 and 3, respectively.

Mr. McAuley stated that, for Bay Creek, Seat 1, currently held by him, and Seat 3, currently held by Mr. Janek, would be up for election. Mr. McAuley had not decided whether he would run for Seat 1. Mr. Janek will run for Seat 3.

THIRTEENTH ORDER OF BUSINESS

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

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

On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Crew, with all in favor, the April 25, 2016 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.

On MOTION for Bay Creek by Mr. McAuley and seconded by Mr. Janek, with all in favor, the April 25, 2016 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.

ELEVENTH ORDER OF BUSINESS

Other Business (Both)

• Action Items

Mr. McCarthy presented the action items.

With regard to Item 7, Mr. McCarthy asked if Ms. Crismond spoke with Pelican Nest regarding cost sharing for aeration in Lake A-7. Ms. Crismond was waiting to hear back from them. Mr. Crew noted that Pelican Nest is at the end of its budget cycle and is waiting to be in sync with the CDDs' budget cycle.

Referring to Item 9, Mr. McCarthy asked if Staff contacted the South Florida Water Management District (SFWMD). Mr. Adams replied no but he will meet with Mr. Ken Kool, of the National Pollutant Discharge Elimination System (NPDES) Program.

With regard to Item 8, Mr. Adams stated that the draft landscape maintenance agreement between the PLCA and the CDDs was provided to Ms. Martel. A copy will be disseminated to the Board Members.

Mr. McCarthy requested a status on Item 13. Mr. Adams stated that he sent graphics and a proposal for a rolling planter to Bonita Springs Utilities (BSU) and was referred to Mr. John Jenkins, BSU Administrator. The information was emailed to Mr. Jenkins and Mr. Adams is awaiting a response.

Items 3, 6, 8 and 11 will be removed.

Items 1, 2, 4, 5, 7, 9, 10, 12, 13 and 14 will remain.

FOURTEENTH ORDER OF BUSINESS Old Business (Both)

There being no old business, the next item followed.

FIFTEENTH 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 April 30, 2016

The Unaudited Financial Statements as of April 30, 2016, 2016 were provided for informational purposes.

ii. Monthly Status Report: Field Operations

Ms. Crismond referred to “Curb Inlet/Pipe Cleaning” and advised that no additional proposals were received. Severn Trent indicated that they would bid on the project; however, no proposal was received, to date. The work will be scheduled in about one week, if there are no additional responses.

Mr. Cramer stated that Sewer Viewer was on site on May 19, in front of the Pelican Landing Tennis Association, and bid on a series of cleanouts and garbage was dumped on a Palm Colony street. He asked if anyone was aware of this and if the CDDs were planning to clean those particular catch basins. Mr. Cramer also understood that the CDD sweeper was in the area. If that is the case, he questioned why the CDD was not advised of the discharge. Mr. Adams and

Ms. Crismond knew nothing about it. Mr. Cramer stated that, for a good working relationship, the CDD should be informed of such incidents.

Mr. McCarthy asked Staff to investigate what occurred.

With regard to the pump station chart, Mr. Crew asked for the hours to begin at 12:00 a.m., rather than 8:00 a.m.

Referring to Page 3, Mr. Patterson asked if the CDD is serving SFWMD meters. Mr. Adams explained that it is a requirement of the Consumptive Use Permit. Every five years, the production meters on the well field must be recalibrated. Mr. McCarthy clarified that the meters do not serve SFWMD.

iii. NEXT MEETING DATE: June 27, 2016 at 2:00 P.M.

The next meeting will be held on June 27, 2016 at 2:00 p.m., at this location.

SIXTEENTH ORDER OF BUSINESS

Supervisors' Requests (Both)

Mr. Travers requested a CDD lake map.

SEVENTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

This item was presented following the Third Order of Business.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 3:00 p.m.

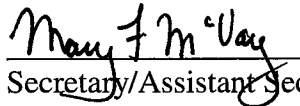
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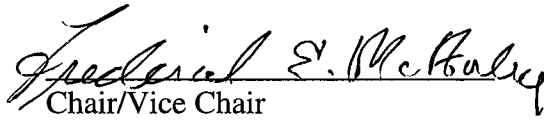
FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair