

**MINUTES OF MEETING
BAYSIDE IMPROVEMENT AND BAY CREEK
COMMUNITY DEVELOPMENT DISTRICTS**

A Joint Public Hearing and Regular Meeting of the Boards of Supervisors of the Bayside Improvement Community Development District and Bay Creek Community Development District was held on **Monday, August 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 (<i>via telephone</i>)	Vice Chair
James Patterson	Assistant Secretary
Bernie Cramer	Assistant Secretary

For Bay Creek CDD:

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

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox (<i>via telephone</i>)	District Counsel
Doug Tarn	Barraco & Associates
Stacie Thomas	Johnson Engineering
Bill Kurth	LakeMasters Aquatic Weed Control, Inc.
Tony Grau (<i>via telephone</i>)	Grau & Associates
George Peterman	Chair, Pelican Landing Privacy Committee
John Kaiser (<i>via telephone</i>)	BICDD Assistant Secretary
Shirley Wirthington	PLCA Vice President
John Tomlinson (<i>via telephone</i>)	PLCA Liaison
Bill Nicholson	Resident
Charlotte McCarthy	UOC Representative
Jack Lienesch	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.

SECOND ORDER OF BUSINESS

Roll Call

Mr. McCarthy asked the Supervisors to state their names. For Bay Creek Community Development District, Supervisors McVay, Glueck and McAuley were present, in person. Supervisors Janek and Travers were attending via telephone. For Bayside Improvement Community Development District, Supervisors McCarthy, Patterson and Cramer were present, in person. Supervisors Crew and Kaiser were attending via telephone.

Mr. McCarthy voiced his intention to vote against a motion authorizing Mr. Kaiser's attendance by telephone, as there was no indication of exceptional circumstances that would prevent his attendance, in person, for months at a time. Mr. Cramer stated that this was the most pivotal time, in 20 years, for making decisions for Bayside Improvement and Bay Creek and the community and all Supervisors should make a special effort to attend.

On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Cramer, with Mr. Patterson in favor and Mr. McCarthy and Mr. Cramer dissenting, authorizing Mr. Kaiser's attendance and full participation, via telephone, due to exceptional circumstances, was not approved. (Motion failed 2 - 1)

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

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

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

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

Mr. McCarthy received three comment cards not related to agenda items. Since the meeting would be very long, he asked Board Members to allow comments on non-agenda items.

Mr. George Peterman, Pelican Landing Privacy Committee Chair, stated that a road study was completed, which identified congestion on the roadways, including a lot of CDD traffic, and asked for ideas to minimize CDD presence on the roads, to reduce traffic related to CDD landscapers, etc.

Mr. McCarthy suggested that Mr. Peterman discuss the issue with Staff. Based on his experience, most communities only allow parking on one side of the road. The landscapers were the major cause of congestion on roadways, with one group working on the even side and another working on the odd side. A rule restricting parking to odd or even sides would allow for clear passage. Mr. McAuley noted that major tree trimming was occurring and patience would be appreciated; however, he agreed with the suggestion to restrict parking to one side of the road. Mr. Adams requested a copy of the roadway study, highlighting areas affecting the CDDs.

Mr. Cramer stated that he, Mr. Peterman and Ryan discussed items relative to road safety, as well as the CDDs' efforts regarding the installation of a fiber optic system.

Ms. McVay asked if the Privacy Committee discussed parking on one side of the street. Mr. Peterman indicated that was one of the considerations but he wanted to solicit recommendations from all parties.

Mr. William Nicholson, a resident, recalled discussion, at last month's meeting, regarding overuse or high water usage in certain neighborhoods and by specific residents. Rather than approaching a specific community or individual users about modifying usage, he recommended placing an article in the Pelican Landing newspaper suggesting conservation, in general.

Ms. Shirley Wirthington, PLCA Vice President, stated that the PLCA Board was considering approving \$6,500 for the Landscape Committee to help guide the CDDs. She acknowledged concerns from Mr. Patterson and Mr. Glueck regarding escalating costs and responsibility for payment. The agreement would clarify which entity would pay for what items. The PLCA wanted to work with the CDDs and Ms. Wirthington asked the Boards for approval along so that the PLCA Board could approve and budget the funds.

BAYSIDE IMPROVEMENT ITEMS

FOURTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2015, Prepared by Grau & Associates

Mr. Tony Grau, of Grau & Associates, presented the Audited Financial Report for the Fiscal Year ending September 30, 2015. The “Independent Auditor’s Report”, on Pages 1 and 2, reflected a clean opinion, in accordance with Governmental Auditing Standards (GAS). The “Changes in Net Position”, on Page 5, reflected a loss of approximately \$67,000, in Fiscal Year 2015, compared to a loss of approximately \$82,000, in Fiscal Year 2014. The amounts included capital assets and long-term debt. The “Changes in Net Position - Proprietary Fund”, on Page 13, showed a profit of approximately \$116,000. “NOTE 6 – CAPITAL ASSETS”, on Page 22, reflected additions of approximately \$33,000, for “Furniture, fixtures and equipment”, under “Governmental activities”, and approximately \$17,000, for “Irrigation System”, under “Business type activities”. “NOTE 7 – LONG TERM LIABILITIES”, on Page 23, showed a “Beginning Balance” of \$1,025,000 for the Series 1998 bonds. The bonds were paid down by \$230,000, for an “Ending Balance” of \$795,000, with three years remaining.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2016-4, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2015

Mr. McCarthy presented Resolution 2016-4 for the Bayside Improvement Board’s consideration.

On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Patterson, with all in favor, Resolution 2016-4, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2015, was adopted.

BAY CREEK ITEMS

SIXTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2015, Prepared by Grau & Associates

Mr. Grau presented the Audited Financial Report for the Fiscal Year ending September 30, 2015. The “Independent Auditor’s Report”, on Pages 1 and 2, reflected a clean opinion, in

accordance with GAS. The “Balance Sheet” for the “General” and “Debt Service” funds, on Page 9, reflected approximately \$230,000 “Restricted for: Debt service” funds and approximately \$353,000 “Unassigned” in the “General” fund. The “Statement of Net Position – Proprietary Fund”, on Page 13, reflected “Total capital assets, net of depreciation” of approximately \$191,000 and approximately \$164,000 of “Unrestricted”, under “Net position”. The “Statement of Revenues, Expenses and Changes in Net Position – Proprietary Fund”, on Page 14, showed a “Change in net position” of approximately \$14,000. “NOTE 6 – LONG TERM LIABILITIES”, on Page 23, showed that the Series 1996 bonds were paid down by \$145,000, with an “Ending Balance” of \$320,000 and two years remaining.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2016-5, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2015

Mr. McAuley presented Resolution 2016-5 for the Bay Creek CDD Board’s consideration.

On MOTION for Bay Creek by Mr. McAuley and seconded by Mr. Glueck, with all in favor, Resolution 2016-5, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2015, was adopted.

JOINT BOARD ITEMS

EIGHTH ORDER OF BUSINESS

Staff Report: District Engineer (Both)

Mr. Doug Tarn, of Barraco & Associates (Barraco), reported that the sluice gates were installed and the surveyors as-built the structures. Two modifications were incorrectly measured and the contractor made plates to correct the holes that were cut into the structures. Mettaur Environmental (Mettaur) would bolt the plates in place so that Barraco could certify the structure to the South Florida Water Management District (SFWMD). Barraco requested additional bids; however, there was not much interest in installing the grates or the catwalk because the work was so minimal; therefore, drawings were not produced. If Mettaur completes the work and installs the grates and catwalk, Barraco could review and approve the shop drawings supplied by Mettaur’s cast supplier. In response to a question from Mr. McCarthy, Mr. Tarn indicated that

Mettaur's bid was approximately \$9,000 to install the gates and catwalk. Mr. McCarthy recalled authorizing Staff to obtain more bids, not to exceed the amount stated. Mr. Adams suggested moving forward with Mettaur, since there was no additional interest. Mr. Tarn would notify Mr. Chris Mettaur and request that he provide the shop drawings, as needed. There would be a cost savings because some of the existing grates could be utilized.

Mr. Tarn stated that a permit modification was submitted to SFWMD for the bocce ball courts. The reviewer indicated that the submittal "looked good" and approval would be granted on the first review; however, there was a 30-day review period. The neighbor must remove the concrete pad. Mr. Tarn would provide the mitigation planting plan to Mr. Adams and Staff would follow up.

Mr. Cramer asked if there was a security feature or locking mechanism on the sluice gates and turnstiles. He noted several strange occurrences and that an adjustment in the wrong direction could create a catastrophic problem, if not addressed; therefore, security must be addressed. Mr. Tarn explained that the gates were typically secured with a stainless steel chain and padlock but suggested a combination lock so that multiple staff members would have access. Mr. Adams recommended brass combination locks, which Staff would address.

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

This item was discussed during the Eighth Order of Business.

TENTH ORDER OF BUSINESS**Continued Discussion: Har-Tru Runoff from Tennis Courts to E Lakes**

Mr. Adams hand delivered letters regarding Har-Tru breaches to the PLCA, golf course maintenance and the Pelican Colony Golf and Country Club and brought to their attention the continued issue with illicit discharges of Har-Tru, from the tennis courts during moderate to heavy rains. Suggestions from Lee County, the Department of Environmental Protection (DEP) and Mr. McCarthy's review of Pelican Sound's runoff collection method, for their soon to be developed bocce ball and pickleball courts, which is highly sophisticated, were offered.

Mr. Cramer stated that this issue was discussed during the CRC review and he advised Chris, the General Manager of the club, that a letter would be received. Mr. Adams stated the club had two areas of concern; one had not breached the stone trench but was clearly leaching out across the trench. The club's main issue was the walk through gate and the actual outfall on

the west side. Obvious signs were spillover, during heavy rain events, carrying Har-Tru into the drainage system.

Mr. Adams advised the golf course maintenance department that the ditch shared with the PLCA seemed to be well maintained but the outfall structure needed to be attended to more frequently, as debris was stacked on top of it, and the material adjacent to the control structure must be contained.

Mr. John Tomlinson, PLCA Liaison, recalled that a notification was to be sent to Mr. Steve Gunther, UOC Representative, for dissemination to Palm Colony residents. Mr. Tomlinson wanted to ensure that residents did not feel that the issue was dropped, since Palm Colony is directly impacted by the Har-Tru breaches on their property. A number of residents expressed interest to the PLCA about what was taking place and whether it was runoff. Mr. Tomlinson wanted to advise residents that the issue was being addressed.

Mr. Adams stated that the PLCA received the letter which referenced writing to residents about several areas where issues were continuing and possible options to further resolve or remediate the runoff. He had not anticipated the Districts communicating the information to Palm Colony. If Palm Colony showed an interest in communication regarding the steps, moving forward, to further remediate, the information should come from the PLCA.

Mr. Tomlinson would obtain the information from Ms. Martel and forward it to Mr. Gunther.

ELEVENTH ORDER OF BUSINESS**Presentation: Q1 2016 Water Quality Sampling Report**

Mr. Stacie Thomas, of Johnson Engineering, referred to a table and maps showing the results of the Q1 2016 Water Quality Sampling Report. The five lakes highlighted with red text exceeded or did not meet numeric nutrient criteria for these types of water bodies. A few lakes either did not meet the dissolved oxygen saturation, total phosphorous concentration, or the Secchi disk depth. Of the five lakes highlighted, four did not display good quality total phosphorous concentrations and were mapped out. Lakes A-17 and D-8 had annual geometric means that exceeded the total phosphorous concentrations for the year. The remaining lakes had no issues with total phosphorous. Lakes A-17 and D-8 also exceeded total nitrogen numeric nutrient criteria in the sampling event. The second quarter of 2016 would be the last sampling event that Johnson Engineering was contracted to perform. If the Districts chose to continue

sampling, the two lakes with issues were A-17 and D-8 and the recommendation was to add additional nutrients to the sampling list.

In response to a question from Ms. McVay, Ms. Thomas explained that the five highlighted lakes exceeded dissolved oxygen, total phosphorous or Secchi depth. Those on the map only reflected total phosphorous values. Ms. McVay inquired about Lake F-12. Ms. Thomas stated that the geometric mean for Lake F-12, in the past year, was under the numeric nutrient criteria of .05. The same value was assigned to Lake A-2. Lakes A-17 and D-8 exceeded the numeric nutrient criteria for the entire year.

Staff would review the results with Mr. Tim Dennison, of Johnson Engineering, and perhaps expand the sampling to other areas. Ms. Thomas stated that it would be worthwhile to address the sediment sampling.

TWELFTH ORDER OF BUSINESS**Lake Management Report: *LakeMasters Aquatic Weed Control, Inc. (Both)***

Mr. Kurth reported that LakeMasters Aquatic Weed Control, Inc. (LakeMasters) made headway in many areas and he was very pleased with the improvement in Palm Colony Lake E-2. Originally, there was a lot of vegetation to kill in Bayside, which could cause nutrient release; however, the lakes were almost back to normal. Most submersed vegetation in the community was adequately controlled. There was a small algae blowup in the Las Palmas lake. Lake E-5, in Sandpiper, has improved but needs treatment. Algae was contained within the plants. The two lakes that were referenced in the report are two of the shallowest lakes in the community. Mr. Kurth assumed that there were significant amounts of muck and those lakes would be good choices for muck sampling. Over 50% of Lake D-8 is a bulrush head and it was hoped that the bulrush would absorb some of the nutrients; however, there were significant amounts of muck. No bacteria were added to this lake. Mr. Kurth was frustrated with the high levels. Lake A-17 is an outfall lake and a lot of water runs into it. Muck is about 1' deep so release of nutrients may be occurring in the built up muck.

Mr. Kurth reported fish kills in Lakes A-7 and A-8. Prior to the meeting, a dissolved oxygen test was performed and the level was exceedingly high. Dissolved oxygen is one parameter used to determine the presence of golden algae, which is a toxic algae that causes major fish kills. This particular algae creates oxygen, when it is sunny, so the lake is very saturated. Algae treatment might make the problem worse by lowering the dissolved oxygen but,

if the treatment is performed and the algae is golden algae, the fish would recover almost immediately.

Mr. Kurth planned to install the crystals in Lake E-2, next week, once a site is determined. Ms. Crismond advised that the product information on the AM-120 System would be e-mailed to the Boards, under separate cover.

THIRTEENTH ORDER OF BUSINESS

Irrigation Reports (Both)

A. High User

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

Ms. McVay stated, in light last month's incorrect readings, some bills increased to over \$900 and asked if meters were double checked, for verification. Mr. Adams replied affirmatively. The person inputting the data into the system automatically calls for a recheck.

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.

FOURTEENTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Adoption of the Districts' Final Budget(s) for Fiscal Year 2016/2017, Pursuant to Florida Law (Both)

A. Affidavit of Publication

Mr. McCarthy presented the affidavit of publication for today's Public Hearing, which was published in the News-Press.

*****Mr. McCarthy opened the Public Hearing.*****

Mr. Adams advised that assessment levels remained the same or slightly less than the Fiscal Year 2016 assessments.

There were no public comments.

*****Mr. McCarthy closed the Public Hearing.*****

Mr. McCarthy stated that, during the budget process, Staff made suggestions and a few changes were made, one of which was to add the “Other contractual – landscape architect” line item. He was not in favor of including the line item because, whenever a landscape architect was hired, another landscape architect had different ideas and concepts. Rather than having the line item in the budget, Mr. McCarthy preferred to rely on Staff to determine what is needed.

Mr. McAuley understood that the line item was created to cooperate with the PLCA regarding the landscape architect they were going to hire. Mr. McCarthy stated that the line item was a result of Mr. Crew’s recommendation for the Districts to have a landscape architect because the Landscape Committee was going to hire one. Mr. McAuley understood that the PLCA and CDDs would share the same landscape architect but that was not Mr. McCarthy’s understanding.

Mr. Cramer referred to the July 22, 2016 Joint Workshop minutes and read, “*With regard to the budget, Mr. Adams moved \$6,000 from “Other contractual – tree trimming” to “Other contractual – landscape architect”. Mr. McCarthy clarified that the budget would be adopted on Monday and no decision was made to hire a landscape architect;*”. Mr. Cramer referred to ‘Pelican Landing related transactions for financial statements’ and interpreted the information to mean that the Pelican Landing Community Association, through its Design and Landscape Committees, could make recommendations to the CDDs. The Boards agreed to participate by nominating Mr. Crew and Mr. Glueck to participate on their behalf and disseminate information. The PLCA Board of Directors has not approved anything and wants to move forward, to have recommendations. The PLCA Board of Directors must first approve it and then present it to the CDD Board Members.

Mr. McCarthy felt that recommendations, such as this, must first be made to Staff, who would then make recommendations to the Boards. He felt that, by hiring a landscape architect, he was delegating part of his responsibility, as a Supervisor, to a third party and must accept the architect’s recommendations. Mr. McCarthy was not opposed to the concept but was opposed to the method.

Mr. Adams stated if funding the specific line item made Mr. McCarthy uncomfortable, the funds could be moved to “Contingencies”. Mr. McCarthy preferred to move the funds back to “Other contractual - tree trimming”.

In response to a question from Mr. Glueck, Ms. Wirthington explained that hiring a landscape architect came before the PLCA Board and they wanted to proceed; however, there

was a concern that there was no clear understanding of the agreement. Pelican Landing wanted to use a professional to provide guidance about what should be planted, rather than individual residents making suggestions. The PLCA wants to reduce maintenance, if possible, and ensure that replacement materials fit the palette residents want. Ideally, the CDDs would use the same landscaper, if professional advice was needed. The Landscape Committee prepared a list of priorities for improving maintenance. If a large area must be redeveloped, such as in front of the Pelican Landing Community Center, it would be the PLCA's responsibility. The PLCA would not dictate how Board Members should perform their duties; they would recommend what residents would like and work with the CDDs.

Mr. Glueck stated that the Landscape Committee searched and interviewed many landscape architects and the architects conveyed ideas to the Landscape Committee, which was how the Committee made the selection.

Mr. Crew asked if, by moving the funds and relying upon Staff to make decisions, Staff must obtain Board approval before engaging a landscape architect. Mr. McCarthy replied affirmatively. Mr. Crew did not agree; if Staff was independent and could make decisions, he would support it.

Mr. Tomlinson stated by not hiring a landscape architect, the same path would continue, which he did not feel would be a "win" for anyone. Mr. McCarthy clarified that Staff would request outside expertise, if required.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Patterson, with Mr. McCarthy, Mr. Patterson and Mr. Cramer in favor and Mr. Crew dissenting, removing "Other contractual: landscape architect" and transferring the funds to "Other contractual - tree trimming", was approved. (Motion passed 3 – 1)

Mr. McAuley felt that hiring a landscape architect and cooperation with the PLCA were paramount; therefore, he was in favor of retaining the line item.

Mr. Glueck recalled that Mr. Crew originally requested \$12,500 and Mr. Adams recommended reducing the line item to \$6,500.

Mr. Janek agreed with Mr. Adams about transferring the funds to "Contingency".

Ms. McVay recalled that Mr. Crew felt that a landscape architect was necessary to help with maintenance, such as proper material choice and placement. She preferred transferring the funds to “Contingency” rather than “Other contractual - tree trimming”.

On MOTION for Bay Creek by Mr. Glueck and seconded by Ms. McVay, with all in favor, removing “Other contractual: landscape architect” and transferring the funds to “Contingency”, was approved.

Since there was no agreement regarding which line item the funds in “Other contractual - landscape architect” would be transferred to, Mr. Adams suggested moving \$4,500 to “Other contractual - tree trimming” and \$1,500 to “Contingency”. Both motions removed the “Other contractual – landscape architect” line item from the budget.

B. Consideration of *Bayside Improvement Community Development District Resolution 2016-5, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2015, and Ending September 30, 2017; Authorizing Budget Amendments; and Providing an Effective Date*

Mr. McCarthy presented Resolution 2016-5 for the Bayside Improvement Board’s consideration.

On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Patterson, with Mr. Cramer, Mr. Patterson and Mr. McCarthy in favor and Mr. Crew dissenting, Resolution 2016-5, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2016, and Ending September 30, 2017, as amended; Authorizing Budget Amendments; and Providing an Effective Date, was adopted. (Motion passed 3 – 1)

C. Consideration of *Bay Creek Community Development District Resolution 2016-6, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2016, and Ending September 30, 2017; Authorizing Budget Amendments; and Providing an Effective Date*

Mr. McAuley presented Resolution 2016-6 for the Bay Creek Board’s consideration.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Glueck, with all in favor, Resolution 2016-6, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2016, and Ending September 30, 2017, as amended; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FIFTEENTH ORDER OF BUSINESS

Consideration of Annual Assessment Resolutions

- A. *Bayside Improvement Community Development District* Resolution 2016-6, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2016/2017; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. McCarthy presented Resolution 2016-6 for the Bayside Improvement Board's consideration.

On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Cramer, with all in favor, Resolution 2016-6, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2016/2017; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

- B. *Bay Creek Community Development District* Resolution 2016-7, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2016/2017; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. McAuley presented Resolution 2016-6 for the Bay Creek Board's consideration.

On MOTION for Bay Creek by Mr. Glueck and seconded by Ms. McVay, with all in favor, Resolution 2016-7, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2016/2017; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SIXTEENTH ORDER OF BUSINESS**Consideration of Joint Meeting Schedule
for Fiscal Year 2016/2017**

Mr. Adams stated that the meeting schedule was the same as in past years, combining November and December and moving that meeting to early December, to avoid the holidays.

A. *Bayside Improvement Community Development District Resolution 2016-7, Adopting the Annual Meeting Schedule for Fiscal Year 2016/2017*

Mr. McCarthy presented Resolution 2016-7 for the Bayside Improvement Board's consideration.

On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Patterson, with all in favor, Resolution 2016-7, Adopting the Annual Meeting Schedule for Fiscal Year 2016/2017, was adopted.

B. *Bay Creek Community Development District Resolution 2016-8, Adopting the Annual Meeting Schedule for Fiscal Year 2016/2017*

Mr. McAuley presented Resolution 2016-8 for the Bay Creek Board's consideration.

On MOTION for Bay Creek by Mr. Glueck and seconded by Ms. McVay, with all in favor, Resolution 2016-8, Adopting the Annual Meeting Schedule for Fiscal Year 2016/2017, was adopted.

SEVENTEENTH ORDER OF BUSINESS**Continued Discussion: Alternative
Irrigation Source from RCS**

Mr. Adams had a follow-up conversation with Mr. Gillespie, General Manager of Pelican's Nest Golf Course (PNGC). Based on discussion with PNGC board members, the PNGC would continue to be a Bay Creek customer, for water. The capital investment to transition for receipt of effluent water directly into the wet well, for pumping purposes, was too significant. The PNGC would recognize the blended rate, going forward, as Bay Creek would keep some of its wells online and bring in effluent water from RCS. An action of the PNGC board would formalize their intent and Mr. Gillespie and Mr. Adams agreed that the PNGC's intent to continue to be a Bay Creek customer would be memorialized in an agreement between the two entities.

In response to a question from Mr. McAuley, Mr. Adams would present a rate study, at the next meeting, and, if the Board Members approve, a Public Hearing would be scheduled for the October meeting. The capital improvements for making the connection to accept the water would be considered along with the rate study that would offset some of the costs of bringing the water in at the new rate per 1,000 gallons for the supply from Phoenix. The connection should not take much time since it is in a public right-of-way (ROW). The system would be activated in the October to November time frame.

In response to a question from Mr. Cramer, Mr. Adams explained that one agreement would be between the Bay Creek CDD and Phoenix and another would be between Bay Creek and the PNGC. Neither agreement would affect Bayside.

Mr. Patterson asked if the three holding ponds were lined. Mr. Adams replied affirmatively. Also, Phoenix would provide three-day storage, per an agreement with Bonita Springs Utilities (BSU). Mr. Patterson indicated that effluent water may not be sprinkled in any area where it could flow into a lake that, subsequently, would flow downstream, to the creek. Mr. Adams stated that this is a pass along requirement that all must abide by. Bay Creek would receive the same quality of water that the golf course received during Phase One of the connection, meeting State standards.

Ms. McVay inquired about funding. Mr. Adams indicated that the costs were specific to the Enterprise Fund.

EIGHTEENTH ORDER OF BUSINESS**Discussion: Newsletter and Community Outreach Provider Options**

Mr. Adams referred to the newsletter proposal from AboveWater Public Relations and Marketing, Inc., (AboveWater) for an annual cost of \$42,000, with the potential of additional costs. Ms. Dobbins felt that AboveWater could assume the additional costs into the \$3,500 monthly fee.

Mr. Cramer researched a potential opportunity through Florida Gulf Coast University's (FGCU) internship program after reading a newspaper article about the Bonita Springs Chamber of Commerce, headed by Ms. Tiffany Esposito. Ms. Esposito recently hired a Communications Coordinator, from FGCU, who was previously in charge of the FGCU newspaper. Mr. Cramer spoke with Ms. Carson Crane, of FGCU, who oversees a program to hire students for community service in the local area, to earn extra money for their college expenses. Mr. Cramer presented a

list of what the CDDs were looking for. The student(s) the CDDs would hire would be assigned to the CDDs and it would be considered an outreach program. Information for newsletter articles would be provided to the students.

Mr. Travers asked if Mr. Cramer was specifically referring to mentoring, with regard to public relations and marketing. Mr. Cramer replied no; however, the level of expertise of the student(s) who would benefit was not known. The online tutorial for registration contained many majors and Mr. Cramer suggested choosing “all majors”. Resumes would be reviewed and those who are identified would be interviewed. Mr. Cramer felt that Mr. Adams should conduct interviews and complete the forms, as he would be hiring the student(s). The scope prepared by Mr. McCarthy would be input and the information would be disseminated to the students.

Mr. Cramer stated that there would be a base rate of approximately \$15 per hour, which was nominal, compared to hiring a professional. The student(s) would be required to attend CDD meetings and review materials to learn about the Districts.

Mr. McAuley asked if the Districts would pay the student(s). Mr. Cramer replied affirmatively. Mr. McAuley asked about funding in the budget. Mr. Adams referred to the “Communications” line item. Mr. McAuley asked if the Districts or FGCU would provide insurance. Mr. Cramer replied FGCU.

Mr. Adams would conduct interviews and provide a proposal.

Mr. McAuley asked if the PLCA would be involved. Mr. Cramer stated it may provide an opportunity for the PLCA to research the program; however, his communications were related to the CDDs.

Mr. Crew was not inclined to support the program and did not see a need.

NINETEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2016

Mr. McCarthy presented the Unaudited Financial Statements as of July 31, 2016.

TWENTIETH ORDER OF BUSINESS

Approval of Minutes (Both)

A. July 22, 2016 Joint Budget Workshop

Mr. McCarthy presented the July 22, 2016 Joint Budget Workshop Minutes and requested that corrections be provided to Ms. Crismond.

On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Cramer, with all in favor, the July 22, 2016 Joint Budget Workshop Minutes, as amended to include edits provided to District Management, were approved.

On MOTION for Bay Creek by Mr. McAuley and seconded by Ms. McVay, with all in favor, the July 22, 2016 Joint Budget Workshop Minutes, as amended to include edits provided to District Management, were approved.

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

B. July 25, 2016 Joint Regular Meeting

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

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

Approval of the July 25, 2016 Joint Regular Meeting Minutes by the Bay Creek CDD was deferred until a quorum was restored.

TWENTY-FIRST ORDER OF BUSINESS Other Business (Both)

• **Action Items**

Mr. McCarthy presented the action items.

****Mr. Glueck returned to the meeting and a quorum was re-established.****

Items 8, 9, 10, 11, 12, 13, 15, 16 and 17 would be removed.

Items 1, 2, 3, 4, 5, 6, 7 and 14 would remain.

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

TWENTY-SECOND ORDER OF BUSINESS Old Business (Both)

Last week, Mr. Adams contacted Mr. Tomlinson and Ms. Martel, in an effort to meet with Ms. Martel to discuss the landscape agreement; however, no response was received, to date. Mr. Adams recalled requesting comments from the Boards with regard to the proposed agreement and only one Board Member responded.

Mr. Crew stated, based on the last two CDD meetings, he felt that it would be best for the Districts to hire another representative, other than himself, to represent Bayside in the discussions, as he felt that he did not have the confidence of the Board Members.

Mr. Adams would serve as Bayside’s representative.

Mr. Tomlinson requested confirmation that the agreement being considered was dated August 18, 2016, and included his and the PLCA attorney’s comments and suggestions. Mr. Adams confirmed that the document was disseminated to all Board Members and it was the agreement referred to by Mr. Tomlinson.

TWENTY-THIRD ORDER OF BUSINESS Staff Reports (Both)

A. District Counsel

There being no report, the next item followed.

B. District Manager

i. Monthly Status Report: Field Operations

Mr. Crew inquired about the status of the medallions for the drain covers. Mr. Adams stated that the project began one or two months ago; however, staff’s first priority was to supervise landscape maintenance. Mr. Adams would contact Mr. Kucera for an update on the status of the project.

Ms. McVay asked if the drain covers were being pressure washed so that the medallions would adhere. Mr. Adams replied no. Ms. McVay asked why. Mr. Adams indicated that, with the epoxy, there was no need to pressure wash. Ms. McVay indicated that the PLCA would be pressure washing the curbs and she felt that the CDDs should coordinate with the PLCA. Mr. Adams stated that the catch basins were the PLCA’s responsibility.

With regard to pressure washing the storm gutters around the perimeter of the community, Mr. Cramer found it interesting that the “finger” streets were not included. He suggested asking Mr. Tomlinson and the PLCA to consider adding the side streets.

Ms. Wirthington stated that, legally, it was the responsibility of the homeowners along the streets to maintain their own storm gutters.

Mr. Cramer asked if his neighborhood could independently work with the company hired by the PLCA to provide a quote for pressure washing, since they have no association. Ms. Wirthington would research the possibility and advise Mr. Cramer.

ii. NEXT MEETING DATE: September 26, 2016 at 2:00 P.M.

Mr. McCarthy stated the next Regular Meeting will be held on September 26, 2016 at 2:00 p.m., at this location.

TWENTY-FOURTH ORDER OF BUSINESS Supervisors' Requests (Both)

Ms. McVay asked if it would be feasible to clean the limestone retaining walls outside of Pelican Landing, along US 41, and what it would cost. Mr. Adams stated it would be possible to pressure wash the rock and he would obtain a proposal.

Mr. Crew asked Staff to put in place a policy to remove all dead bushes and shrubs, as discovered, even if the replacement is not available. He also requested a proposal for the rejuvenation of the Pennyroyal berm, from the Children's Park to Heron's Glen.

Staff agreed to both requests.

TWENTY-FIFTH ORDER OF BUSINESS Public Comments: *Non-Agenda Items*

Mr. Jack Lienesch, a resident, commented that 100% of residents in each neighborhood must agree to pressure washing the gutters and the manner in which funds would be collected from residents must be determined.

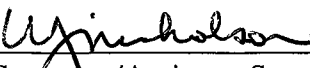
Mr. Patterson commented that the lake next to the Canoe Park used to be a beautiful area, particularly on the north side but, as the trees grew, the bougainvillea did not survive. New plant material was installed but growth was stunted. Mr. Patterson asked if anything could be done.

Mr. Adams indicated that Staff would review the area, next Tuesday, during a detailed landscape tour with Mr. Kucera.

TWENTY-SIXTH ORDER OF BUSINESS Adjournment

There being no further business to discuss, the meeting adjourned at 4:11 p.m.

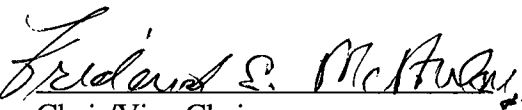
FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair