

**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, October 24, 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
Bill Nicholson	Assistant Secretary

**For Bay Creek CDD:**

Fred McAuley	Chair
Nelson Glueck	Vice Chair
James Janek	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Dan Cox ( <i>via telephone</i> )	District Counsel
Wes Kayne	Barraco & Associates
Bill Kurth	LakeMasters Aquatic Weed Control, Inc.
Marvin Hancock	PLCA President and Liaison
Charlotte McCarthy	UOC Representative – Pelican Landing
Evans Conforti	Resident
Margot Hill	Resident
Gail Gravenhorst	Resident
Jim Nicholson	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 Janek, Glueck and McCauley were present, in person. Supervisors Travers and McVay were not present.

For Bayside Improvement Community Development District, all Supervisors were present, in person.

▪ **Presentation to Supervisors McAuley and Patterson**

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

Mr. McCarthy presented awards to Mr. McAuley and Mr. Patterson, in recognition of their outstanding service to the Bay Creek and Bayside Improvement CDDs.

**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: District Engineer (Both)**

Mr. Kayne reported that the control structure grates would be installed on Thursday or Friday and the staff gauges would be installed shortly thereafter. A meeting was held with Resource Conservation Systems, LLC, (RCS) regarding the irrigation connection along US 41, connecting to Lake B-4. Surveyors would begin topographical surveys; several entities were involved and permits must be updated. The Sabatino Environmental Resource Permit (ERP) modification was approved and the South Florida Water Management District (SFWMD) staff report was posted. Once the restoration planting was completed, the District Engineer would pursue certification. Mr. Kayne recalled a concern about drainage in back yards along 24930 Pennyroyal Drive. Mr. Tarn inspected the area, surveyors obtained topographical details and obtained the elevations of the inlets and the cart path along the back of the properties. Referring to a map, Mr. Kayne noted the slight slope of the cart path and that the lots were graded toward the rear; therefore, there was an accumulation of water along the back of the properties, which eventually flowed to the inlet. Based on the plat, Bayside only had easement rights over the wetland. The property line of the single-family homes was along the cart path and the PLCA or the golf course had an easement that crossed over the cart path. It would make the most sense

for property owners to install Advanced Drainage System (ADS) yard drains and small swales, along the back, to collect water and tie into the existing inlet. Based on findings through the plat and other records, the work would not be on CDD property so there was nothing for the Districts to pursue.

Mr. Adams stated that the issue was worsened by the wall along the edge of the cart path, separating it from the wetland, so a lot of water was rushing from the back of the yards, down the cart path, and collecting on the corner of Mr. Leoni's home. The solution was a combination of earthwork, underground drainage and, perhaps, some fill on the corner of the property, for elevation.

Mr. McCarthy and Mr. Adams would inform Mr. Leoni of the findings.

Mr. Cramer made a presentation to the PLCA Board of Directors and conveyed that the CDDs were willing and able to assist with their ideas. A PLCA Director brought up the letter sent to the PLCA and that there was no response. The September 26, 2016 Joint Regular Meeting Minutes detailed everything that occurred. The PLCA Board asked the CDDs to compile a timeline of the duration of the runoff issue. Mr. Adams would provide a timeline of events and list of actions that were taken, or not taken, and schedule meetings with Board Members, several at a time.

Mr. Kayne would supply tennis court as-built drawings to Mr. Adams.

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

This item was discussed during the Fourth Order of Business.

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

Mr. Kurth reported that, overall, the lakes looked good. Water levels were beginning to recede and flow would soon slow down. There were no massive amounts of algae but many lakes had slender spikerush and bladderwort. When levels were low enough, Sonar treatments would begin. Over the weekend, there were fish kills in multiple lakes and Lake D-15 had one this morning. Lake D-15 flipped, due to a loaded dissolved oxygen level, which was common with the first cold front of the year. The lake is not aerified and stratification occurred. Lake D-1 appeared to have an oil film; aeration was not working properly and the aeration department was notified. The lake had a slight stench and would be sprayed for algae. The oil film may be

the result of a roofing project in the area. The alum treatment in the Terzetta lake was delayed. Today, the Pembroke lake was cloudy. Once the alum treatment is performed, the lake may flush out and improve. Lake E-2 was doing well, except for bladderwort, which had algae growing on top of it. Algae was also growing in Lake E-5, in Sandpiper. It was not known whether the crystals had any effect. A box of crystals may be added to Lake E-2 and surrounding lakes.

Mr. Nicholson wanted information about the crystal boxes. Mr. Kurth would provide website information.

Mr. Cramer received a call from a Palm Colony resident who noted a big change in the lake as a result of the crystal box.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Proposal from Johnson Engineering, Inc., for Periodic Lake Health Testing, Analysis and Reporting**

Mr. Adams stated that Johnson Engineering, Inc.'s proposal was essentially the same as the prior year. The total cost was \$19,960 for a one-year contract, for quarterly water sampling, testing and reporting, as well as annual sediment sampling on 10 lakes.

Mr. McCarthy suggested adding Lake E-1 to the annual sediment sampling and reducing the quarterly reporting to twice per year.

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, the Johnson Engineering, Inc., proposal for quarterly water sampling, adding Lake E-1 to the annual sediment sampling and reducing quarterly reporting to twice per year, in the amount of \$19,960, for a one-year contract, was approved.**

**On MOTION for Bay Creek by Mr. McAuley and seconded by Mr. Glueck, with all in favor, the Johnson Engineering, Inc., proposal for quarterly water sampling, adding Lake E-1 to the annual sediment sampling and reducing quarterly reporting to twice per year, in the amount of \$19,960, for a one-year contract, was approved.**

**EIGHTH 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.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolutions Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2015 and Ending September 30, 2016; and Providing for an Effective Date**

Mr. Adams stated that the actual appropriations versus budgeted amounts were close; therefore, to prevent a finding in the audit for exceeding appropriations, a budget amendment moving \$100,000 from fund balance to “Contingencies”, to cover accruals that may be received, was suggested.

**A. *Bayside Improvement Community Development District Resolution 2017-1***

Mr. McCarthy presented Resolution 2017-1 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 2017-1, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2015 and Ending September 30, 2016; and Providing for an Effective Date, was adopted.**

**B. *Bay Creek Community Development District Resolution 2017-1***

Mr. Adams presented Resolution 2017-1 for the Bay Creek Board’s consideration.

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Janek, with all in favor, Resolution 2017-1, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2015 and Ending September 30, 2016; and Providing for an Effective Date, was adopted.**

**TENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of September 30, 2016**

Mr. McCarthy presented the Unaudited Financial Statements as of September 30, 2016.

Mr. Adams did not have an opportunity to fully investigate the electrical costs related to the 400/401 Funds; further research would be conducted.

**ELEVENTH ORDER OF BUSINESS**

**Approval of September 26, 2016 Regular Meeting Minutes (Both)**

Mr. McCarthy presented the September 26, 2016 Regular Meeting Minutes and requested that corrections be provided to Ms. Crismond.

**On MOTION for Bayside Improvement by Mr. Nicholson and seconded by Mr. Patterson, with all in favor, the September 26, 2016 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 September 26, 2016 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.**

**TWELFTH ORDER OF BUSINESS**

**Other Business (Both)**

• **Action Items**

Mr. McCarthy presented the Action Items.

Items 6, 7, 9, 11, 12, 13, 15, 16, 19 and 20 would be removed.

Items 1, 2, 3, 4, 5, 8, 10, 14, 17, 18, 21, 22, 23 and 24 would remain.

Revision to Item 22: Add “Barraco to shoot elevations - determine location of high points; Wetland #4 water leak (discharge point in preserve); review elevation of green at Bay Creek entrance”.

**THIRTEENTH ORDER OF BUSINESS**

**Old Business (Both)**

Mr. McCarthy, Mr. McAuley and Mr. Adams received an email from Mr. Hancock, which had an attachment with five items. Mr. McCarthy asked Mr. Adams to report on the status of the items at the next meeting.

**FOURTEENTH 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**

The Monthly Status Report was provided for informational purposes.

**ii. NEXT MEETING DATE: December 5, 2016 at 2:00 P.M.**

Mr. McCarthy stated the next meeting will be held on December 5, 2016 at 2:00 p.m., at this location.

**FIFTEENTH ORDER OF BUSINESS**

**Supervisors’ Requests (Both)**

Mr. Crew requested the following:

- more aggressive turf management, i.e. spraying for weeds in common areas adjacent to residential properties and PLCA grounds
- shrubbery trimming at lift station on Lakemont Drive

Mr. McAuley inquired about plantings around the electrical box on Greenview. Mr. Adams stated that the project was initiated six weeks ago. Mr. Kucera was having difficulty locating the correct plant size and species. Current emphasis was on trimming and mulching.

Mr. Crew reported that Mr. Lienesch was now Chairman of the Pelican Landing Landscape Committee.

**SIXTEENTH ORDER OF BUSINESS**

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

There being no public comments, the next item followed.

**SEVENTEENTH ORDER OF BUSINESS**

**Adjournment: Bay Creek**

There being no further business to discuss, the Bay Creek meeting adjourned.

**On MOTION for Bay Creek by Mr. McAuley and seconded by Mr. Janek, with all in favor, the Bay Creek CDD meeting adjourned at 3:14 p.m.**

**BAYSIDE IMPROVEMENT ITEMS**

**EIGHTEENTH ORDER OF BUSINESS**

**Interviews of Interested Candidates to Fill Unexpired Term of Office [SEAT 2];  
Term Expires November, 2018**

**A. Candidates**

- i. Evans M. Conforti [24680 Sweet Gum Court]**
- ii. Margot H. Hill [3481 Cassia Court]**
- iii. James F. Nicholson [4701 Via Del Corso Lane #102]**

The three candidates introduced themselves.

**▪ Resignation of Mr. William Nicholson, Seat 2, Term Expires November, 2018**

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

Mr. William Nicholson resigned from Seat 2.

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Patterson, with all in favor, the resignation of Mr. Bill Nicholson from Seat 2, term expires November, 2018, was accepted.**

The following questions were asked of the candidates:

- 1. Mr. Cramer stated that a Board Member must be a full-time resident and is expected to attend every meeting. He asked the candidates to respond.
  - Ms. Hill was a full-time resident and would attend every meeting. She previously served on the UOC and attended all UOC meetings.



- Mr. Conforti was a full-time resident; he was the Bonita Springs Fire Commissioner for 16 years and only missed two meetings.
  - Mr. Nicholson was a full-time resident, involved with the Cielo Landscape Committee and turnover board and has attended every meeting.
2. Mr. Patterson asked how each candidate's strengths would benefit the Board.
- Ms. Hill obtained Master's Degree from the School of Communication at Boston University. She moved to Bayside 12 years ago, became involved in the community and learned about the CDD, especially as UOC Chair. She has strong writing skills and would like to assist the intern with writing newsletter articles and advise residents of what the CDD does for them.
  - Mr. Conforti was knowledgeable about special districts, setting budgets and negotiating contracts. He was involved with building four new fire stations and helped select executive officers for the Fire Department, on three occasions.
  - Mr. Nicholson was a PhD in Plant Pathology. He evaluated chemicals, wrote labels for agricultural pesticides for submission to the Environmental Protection Agency (EPA) and conducted field research for E.I. DuPont. He evaluated agricultural pesticides and started a research farm for Eli Lilly and Company, then transferred to marketing. He owned a landscape maintenance, design and installation company.
3. Mr. Nicholson asked how candidates viewed the process of becoming a functioning Board Member, to make good decisions.
- Ms. Hill felt stated educating newcomers and residents about the that attributes the CDD brings to Pelican Landing. She suggested writing pamphlets explaining the governing structure.
  - Mr. Conforti stated that, since Board Members were not permitted to speak with other Board Members about decisions to be made, it was best to communicate with Management and CDD employees.
  - Mr. Nicholson stated that the Board must decide which candidate was most willing to "delve in", begin learning and perform the work. He felt that all candidates were qualified for the position.
4. Mr. McCarthy asked Mr. Nicholson what inspired him to submit his resume.

- Mr. Nicholson stated that, wherever he goes, he becomes involved and volunteers. He wanted to become more involved.
5. Mr. McCarthy referred to the recent nomination process for CDD elections and noted that the Supervisors ran unopposed. He felt that someone with an interest would have run for election, rather than waiting for a vacancy.
- Mr. Nicholson stated that, as a new resident, there were so many committee initials, i.e., ROC, UOC, etc., and it was confusing; however, after attending meetings, it was easier to decide whether to become involved. As he became more educated, this opportunity arose.
  - Mr. Conforti stated that, on the Lee County website, he saw that someone qualified for each position. He was involved with the community for five elections and not ready to participate in another; however, when the position opened on the CDD Board, he decided to apply.
  - Ms. Hill was active in the UOC, as a Longlake Village committee member, became Co-Chair for several years and was involved in the elections. This opportunity came along at the right time. Having someone on the new Homeowners' Forum, who is also involved with the CDD, could add value.
6. Mr. McCarthy asked what the candidates would do if they were not chosen.
- Mr. Nicholson would become involved in other committees. There would be turnover in Cielo, in the next three months, so he would become more involved in that organization.
  - Mr. Conforti was involved in government for his adult life, as a volunteer fire fighter, police officer and with the fire district. He would become involved in something in the community.
  - Ms. Hill would be very involved in the Homeowners' Forum. She brought her dog to Hope Hospice, for patient therapy, and trained visiting therapy dogs.
7. With regard to the Sunshine Laws, Mr. Crew asked how Ms. Hill would manage being Chair of the Homeowners' Forum, when CDD related topics arose, and CDD members were in the forum.
- Ms. Hill would not address what was discussed during meetings; she would bring CDD knowledge to the Homeowners' Forum so that residents were more aware of the overall mission of the CDD. She understood the Sunshine Law and that the

specifics related to the CDD must not be discussed; however, there was an opportunity to link the three entities without violating the Sunshine Law, while allowing the communication and knowledge of each group to flow to each other.

Mr. Crew stated that, if topics arose in the forum and more than one CDD Board Member was present, someone must leave. Ms. Hill agreed that someone must recuse themselves; if no one offered to do so, she would.

Ms. Gail Gravenhorst, a resident, felt that it would be beneficial, in the future, to meet in a different room because it was difficult for the audience to hear what was being said, particularly regarding the lakes.

Mr. Hancock suggested several locations.

**B. Selection/Appointment of Supervisor**

**On MOTION for Bayside Improvement by Mr. Patterson and seconded by Mr. Crew, with all in favor, the appointment of Mr. James Nicholson to Seat 2, term expires November, 2018, was approved.**

**i. Administration of Oath of Office (*the following to be provided in separate package*)**

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Nicholson. Mr. Adams provided and briefly explained the following items:

- **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- **Membership, Obligations and Responsibilities**
- **Financial Disclosure Forms**
  - **Form 1: Statement of Financial Interests**
  - **Form 1X: Amendment to Form 1, Statement of Financial Interests**
  - **Form 1F: Final Statement of Financial Interests**
- **Form 8B, Memorandum of Voting Conflict**

**B. Consideration of Resolution 2016-7, Electing the Officers of the District**

Mr. McCarthy nominated the existing slate of officers, with Mr. Nicholson as an Assistant Secretary. No other nominations were made.

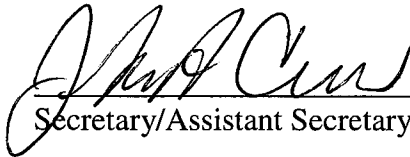
**On MOTION for Bayside Improvement by Mr. Crew and seconded by Mr. Patterson, with all in favor, Resolution 2017-2, Electing the Officers of the District, as nominated, was adopted.**


**TWENTY-FIRST ORDER OF BUSINESS      Adjournment: Bayside Improvement**

There being no further business to discuss, the Bayside Improvement meeting adjourned at 3:55 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


**FOR BAYSIDE IMPROVEMENT:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair