

**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, December 5, 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	Supervisor-Elect
Bernie Cramer	Vice Chair
John Crew	Supervisor-Elect
Jim Nicholson	Assistant Secretary
Bill Nicholson	Supervisor-Elect

For Bay Creek CDD:

Mary McVay	Chair
Nelson Glueck	Vice Chair
James Janek (<i>via telephone</i>)	Supervisor-Elect
Robert Travers	Assistant Secretary
Donald McBride	Supervisor-Elect

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Carl Barraco	District Engineer
Bill Kurth	LakeMasters Aquatic Weed Control, Inc.
Doug Kucera	Field Manager
Paul Kemp	Irrigation Manager
Marvin Hancock	PLCA President and Liaison
Charlotte McCarthy	UOC Representative – Pelican Landing
Jack Lienesch	Resident
Gail Gravenhorst	Resident
Mary Connolly	Resident
Dotty Singer	Resident

FIRST ORDER OF BUSINESS

Call to Order/Pledge of Allegiance

Mr. Adams called the meeting to order at 2:00 p.m.

All present recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Adams stated that all Supervisors and Supervisors-Elect were present, in person, with the exception of Supervisor-Elect Janek, who was attending via telephone.

On MOTION for Bay Creek by Mr. Glueck 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.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

This item was addressed following the Seventh Order of Business.

BAYSIDE IMPROVEMENT ITEMS

FOURTH ORDER OF BUSINESS

Administration of Oath of Office to newly Elected Bayside Improvement CDD Supervisors, John Crew [Seat 1], Walter McCarthy [Seat 3] and William J. Nicholson [Seat 5] (*the following to be provided in a separate package*)

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Crew, Mr. McCarthy and Mr. Bill Nicholson.

Mr. Adams stated that, since the Supervisors were incumbents, he would forego an explanation of 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**
 - **Form 1: Statement of Financial Interests**
 - **Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - **Form 1F: Final Statement of Financial Interests**
- D. Form 8B, Memorandum of Voting Conflict**

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2017-3,
Electing the Officers of the Bayside
Improvement CDD**

Mr. Adams presented Resolution 2017-3 for the Board’s consideration. Following an election or an appointment, the slate of officers must be considered. Prior to the election, Mr. McCarthy served as Chair, Mr. Crew as Vice Chair, the remainder of the Board as Assistant Secretaries, Mr. Adams as Secretary and Mr. Wrathell as Treasurer.

The following nominations were made:

Chair	Walter McCarthy
Vice Chair	Bernie Cramer
Assistant Secretary	Jim Nicholson
Assistant Secretary	John Crew
Assistant Secretary	Bill Nicholson
Secretary	Chuck Adams
Treasurer	Craig Wrathell

On MOTION for Bayside Improvement by Mr. Crew and seconded by Mr. Bill Nicholson, with all in favor, Resolution 2017-3, Electing the Officers of the Bayside Improvement CDD, as nominated, was adopted.

BAY CREEK CDD ITEMS

SIXTH ORDER OF BUSINESS

**Administration of Oath of Office to newly
Elected Bay Creek CDD Supervisors,
Donald J. McBride [Seat 1] and James A.
Janek [Seat 3] (*the following to be
provided in a separate package*)**

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. McBride. Mr. Janek would be sworn in at the next meeting.

Mr. Adams provided and briefly explained 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**

- **Form 1: Statement of Financial Interests**
- **Form 1X: Amendment to Form 1, Statement of Financial Interests**
- **Form 1F: Final Statement of Financial Interests**

D. Form 8B, Memorandum of Voting Conflict

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2017-2,
Electing the Officers of the Bay Creek
CDD**

Mr. Adams presented Resolution 2017-2 for the Board’s consideration. The following nominations were made:

Chair	Mary McVay
Vice Chair	Nelson Glueck
Assistant Secretary	James Janek
Assistant Secretary	Robert Travers
Assistant Secretary	Donald McBride
Secretary	Chuck Adams
Treasurer	Craig Wrathell

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. McBride, with all in favor, Resolution 2017-2, Electing the Officers of the Bay Creek CDD, as nominated, was adopted.

JOINT BOARD ITEMS

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

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

Ms. Mary Connolly, a resident, distributed photographs of a large gap where one or two trees may have been, based on the placement of other trees along the berm. Ms. Connolly requested additional landscaping to buffer the view of a building being constructed. Mr. Crew clarified that no trees were lost.

Mr. McCarthy stated that the City of Bonita Springs held a Public Hearing. All affected property owners were notified of the hearing but only one person attended. No landscaping

planted by the CDD would obstruct the view of the buildings; however, Mr. McCarthy had no objection to planting trees.

Mr. Cramer suggested that Ms. Connolly work with Mr. Lienesch and the Landscape Committee, as they were reviewing landscaping issues in the community. It was hoped that a resolution would be reached through the combined efforts of the Landscape Committee and the CDDs.

Ms. Dotty Singer, a resident, noted that residents of the adjacent building were able see into the backyards of the homes in Canterbury.

Mr. Crew stated that the trees must be allowed time to grow and suggested asking the developer to donate trees to plant on the berm.

Ms. Gail Gravenhorst, a resident, felt that a cohesive landscaping plan for the entire Pennyroyal berm was necessary, rather than an “easy fix”, such as planting trees.

Mr. Marvin Hancock, PLCA President and Liaison, recalled past communication issues and offered to receive resident calls at the PLCA reception desk and email CDD Staff, directly. A 24-hour turnaround time for Staff to contact residents was recommended. Mr. Adams suggested that the email be sent to the person who would be addressing the issue, such as Mr. Kemp, with regard to irrigation, and Ms. Crismond and/or himself, for follow up. The Boards concurred.

▪ **Update: Field Manager, Doug Kucera**

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

Mr. Kucera stated that, since the last meeting, Pelican Landing approved a sod replacement project. Trees were being maintained along the roadways, for 14’ clearance. Palm tree trimming was ongoing and the pine straw mulch project continued. Annuals would be planted this week.

Ms. McVay reported exotics growing inside and around the traffic circle, which must be addressed. Mr. Crew advised of emerging weeds.

Mr. Cramer asked if the Landscape Committee explored landscape lighting, noting privacy and security concerns. Mr. Lienesch stated that the committee had not addressed lighting; however, the Landscape Committee and Security Committee should address the issue.

▪ **Lake Management Report: LakeMasters Aquatic Weed Control, Inc. (Both)**

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

Mr. Kurth reported small amounts of algae. Water levels decreased soon enough to allow for sonar treatments while water temperatures were warm. Good results were observed on bladderwort and slender spikerush. Lakes A-11 and A-12 were easier to control since aeration was installed and the amount of algaecide used diminished.

▪ **Update: Irrigation Manager, Paul Kemp**

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

Mr. Kemp stated that lake levels decreased earlier this year. Three weeks ago, the Phase II Water Conservation Plan was instituted; the pumps go off at 10:00 a.m., on Saturday morning and, instead of coming on at 4:00 p.m., on Sunday, they are off until 8:00 a.m., on Monday, which was an effective measure for retaining most of the water in the lakes.

It was noted that, beginning November 29, the Pelican Landing weekly newsletter contained a headline highlighting the irrigation water pump schedule and residents appreciated receiving the information. Mr. Kemp communicates with the PLCA and the website any time changes are made to the pump schedule.

Discussion ensued about reminding residents when to water. Mr. Kemp would prepare a schedule indicating the appropriate times to water.

A resident felt that greater communication was necessary with the parcel neighborhoods, not only individual homeowners.

EIGHTH ORDER OF BUSINESS

Staff Report: District Engineer (Both)

Mr. Barraco discussed the agreement between Bay Creek and Resource Conservation Services (RCS) to supplement the irrigation water supply. The plans were recently completed, would be reviewed with RCS and the District Manager and finalized.

Mr. Cramer asked for a better understanding of what would occur, as there was much interest in Bayside. Referring to a map, Mr. Adams noted the location of the pipes and meter assembly. Water would be pumped into and out of Lake D-4. Bayside could not take advantage of the program, now, because the delivery from RCS was bulk low pressure flow. In a future phase, RCS would be able to deliver high pressure flow so that Bayside could connect. If and when that occurs, the pump stations and well fields may be taken off line and would no longer draw from the water table. Bayside could only receive the irrigation water if the 15.5-acre recharge pond was lined. The pond recharges the water table; if lined, water would be separated and no longer able to recharge the aquifer. The 15.5 acres must be mitigated elsewhere in the

drainage basin, which was not possible because the community was fully developed; therefore, RCS must deliver water under pressure in order for Bayside to use it.

Mr. Barraco noted that permitting would take several months.

NINTH ORDER OF BUSINESS

Update: Drainage Remediation Project

Mr. Barraco stated that the sluice gates were operational. Recently, staff gauges were installed at each gate location. The contractor completed access gate installation, except for two. Grate installation was almost completed.

Mr. Lienesch asked if landscaping would be a CDD responsibility. Mr. Adams replied affirmatively. Mr. Crew suggested obtaining input from Longlake Village residents about the landscaping. Mr. Lienesch stated that a meeting would be held with the landscape architect and the CDD.

The need to relandscape the area of the animal crossing, on Pelican Colony Boulevard, was discussed, due to a high number of large snakes.

TENTH ORDER OF BUSINESS

Lake Management Report: *LakeMasters Aquatic Weed Control, Inc. (Both)*

This item was discussed following the Seventh Order of Business.

ELEVENTH 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.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2016

Mr. Adams presented the Unaudited Financial Statements as of October 31, 2016.

A reminder email would be sent to residents advising of the rate change and base allocations for water and reinforcing the importance of not overusing.

Mr. McCarthy asked Staff to pay more attention to coding, allocations and charges, particularly “Repairs and maintenance (parts)”, “Miscellaneous” and “Water quality”.

THIRTEENTH ORDER OF BUSINESS

Approval of October 24, 2016 Regular Meeting Minutes (Both)

Ms. McVay presented the October 24, 2016 Regular Meeting Minutes and requested that corrections be provided to Ms. Crismond.

The following change was made:

Add “Jim Nicholson”, “Resident” to attendees

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the October 24, 2016 Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.

On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. McBride, with all in favor, the October 24, 2016 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.

FOURTEENTH ORDER OF BUSINESS

Action Items (Both)

Ms. McVay presented the Action Items.

Items 1, 13 and 16 and 18 would be removed.

Items 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 17 and 19 would remain.

Revision to Item 11: Mr. Adams to provide via email.

Revision to Item 12: Mr. Adams, Mr. Jason Zimmerman and Mr. Barraco to review after the holidays. The Bay Creek entry would also be reviewed.

FIFTEENTH ORDER OF BUSINESS

Old Business (Both)

There being no old business, the next item followed.

SIXTEENTH ORDER OF BUSINESS

Staff Reports (Both)

A. District Counsel

There being no report, the next item followed.

B. District Manager

Mr. Adams continues to work with Florida Power & Light (FPL) regarding large electric bills for the Parkway pump station.

i. Monthly Status Report: Field Operations

The Monthly Status Report was provided for informational purposes.

ii. NEXT MEETING DATE: January 23, 2017 at 2:00 P.M.

Mr. McCarthy stated the next meeting will be held on January 23, 2017 at 2:00 p.m., at this location.

SEVENTEENTH ORDER OF BUSINESS

Supervisors' Requests (Both)

Mr. Cramer asked for background regarding the Parkway lighting outage on the south side. Mr. Adams stated that there is a night master controller by the pump station, off of the Parkway, which controls the lights along the Parkway. If the lights were out on one side, it may have been a fuse or contactor issue.

Mr. Janek reported mildew on Greenview, next to the pump station. Mr. Adams would advise Mr. Kucera to pressure wash.

EIGHTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

Mr. Lienesch advised of an upcoming meeting with Mr. Michael Spencer, Landscape Architect, himself, Mr. Adams and Mr. Crew, on Thursday, December 8, 2016 at 3:30 p.m., at the CDD maintenance facility on Coconut Road. Ms. Crismond would also attend. Mr. Adams would advise Mr. Kucera of the meeting.

Ms. Gravenhorst reported blue pipes sticking out of the ground, across from where construction was occurring, and wanted to ensure that the pipes did not remain visible. Mr. Adams stated that the line underneath the road was being pressure tested. The pipes would

remain flush and a steel cap would be installed, along with a concrete base. A City of Bonita Beach inspector would ensure that the area was restored properly.

Mr. McCarthy suggested contacting Mr. Caldwell, of WCI, prior to completion of the project, to ask what would be done.

NINETEENTH ORDER OF BUSINESS

Adjournment: *Bayside Improvement*

There being no further business to discuss, the Bayside Improvement meeting adjourned at 4:01 p.m.

BAY CREEK ITEMS

TWENTIETH ORDER OF BUSINESS

Public Hearing to Hear Public Comment and Objections to the Adoption of an Amendment to the Rules of Procedure, Related to the Rates and Charges for Irrigation Utility Usage, Pursuant to Sections 120.54 and 190.035, Florida Statutes

A. Affidavits of Publication

- **Notice of Rule Development**
- **Notice of Rule Making**

The affidavits of publication for today’s Public Hearing were provided for informational purposes.

B. Consideration of Resolution 2017-3, Adopting a Proposed Rule Amendment Relative to Irrigation Utility Regulations and Rates and Charges for Utility Service

Mr. Adams presented Resolution 2017-3 for the Board’s consideration. He referred to the irrigation rate study and noted two major customers for irrigation water, residents and the golf course. “Irrigation Services” is the shared cost for people, electricity and well field costs, at 67% for residents and 33% for the golf course. The new reclaimed water supply would be 250,000 gallons per day, 365 days per year, for \$75,646 per year, which would be shared, 67%/33%. Non transmission costs, the shared costs between the CDD and the golf course, would be \$130,744. Transmission costs would be \$27,138. With regard to actual base revenue, residential costs would be \$163,752.43 and golf course costs would be \$31,157.98, for total revenues of \$194,910, providing excess of \$37,028. Residential rates would increase to \$0.83 per 1,000 gallons and the golf course rate would increase to \$0.56 per 1,000 gallons.

*****Mr. Adams opened the Public Hearing.*****

No members of the public spoke.

*****Mr. Adams closed the Public Hearing.*****

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Glueck, with all in favor, Resolution 2017-3, Adopting a Proposed Rule Amendment Relative to Irrigation Utility Regulations and Rates and Charges for Utility Service, was adopted.

TWENTY-FIRST ORDER OF BUSINESS


Adjournment: *Bay Creek*

There being no further business to discuss, the Bay Creek meeting adjourned at 4:13 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