

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

A Joint Regular Meeting of the Boards of Supervisors of the Bayside Improvement Community Development District and Bay Creek Community Development District was held on **Monday, February 27, 2017 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
Bernie Cramer	Vice Chair
John Crew	Assistant Secretary
Jim Nicholson	Assistant Secretary
Bill Nicholson	Assistant Secretary

**For Bay Creek CDD:**

Mary McVay	Chair
Nelson Glueck	Vice Chair
James Janek	Supervisor-Elect
Robert Travers	Assistant Secretary
Donald McBride	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Dan Cox	District Counsel
Wes Kayne	District Engineer
Bill Kurth	LakeMasters Aquatic Weed Control, Inc.
Clyde Knowles	PLCA
Cheryl McFarland	PLCA
Gail Gravenhorst	UOC Representative
Mary Beth Ellinger	Resident
Luna Coceras	Resident
Robert Durney	Resident
Joe Schultz	Resident
Howie Ames	Resident
Darlene Bell	Resident
Jack Lienesch	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Pledge of Allegiance**

Ms. McVay called the meeting to order at 2:00 p.m.

All present recited the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Ms. McVay asked the Supervisors to state their names. For Bay Creek Community Development District, Supervisors Travers, Janek, McBride, Glueck and McVay were present, in person. For Bayside Improvement Community Development District, Supervisors McCarthy, Crew, Jim Nicholson, Bill Nicholson and Cramer were present, in person.

**THIRD ORDER OF BUSINESS**

**Public Comments: *Agenda Items***

Mr. Adams requested to add an item to the Fourth Order of Business, for Bay Creek, which was a request to encroach into a drainage easement, at 25250 Galashields Circle.

**BAYSIDE IMPROVEMENT ITEM(S)**

**FOURTH ORDER OF BUSINESS**

**Consideration of Consent to Use of Easement Agreement [William T. McKenna & Deborah E. McKenna, Lot 28 Unit Six]**

Mr. Adams stated that a request for a Consent to Use of Easement Agreement was received from Mr. William T. McKenna and Mrs. Deborah E. McKenna's realtor, who was attempting to sell the home at 24875 Bay Cedar Drive and realized that the pool deck and screen enclosure encroached into a CDD drainage easement and a utility easement. The provisions of the Agreement would allow the structure to remain; however, should the CDD require access, the homeowner, and subsequent homeowners, would have liability, if the structure must be removed. Language would be added to the Agreement indicating that a drainage pipe was located in the easement and would remain.

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Bill Nicholson, with all in favor, a Consent to Use of Easement Agreement for 24875 Bay Cedar Drive, with language identifying the existence of the drainage pipe and a description, was approved.**

**BAY CREEK ITEM(S)**

- **Request for Consent of Use Easement Agreement for 25250 Galashields Circle**

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

Mr. Adams stated that a request was received to add a screen enclosure at 25250 Galashields Circle, which would encroach into the drainage easement. Mr. Robert Durney, the homeowner, stated that the easement was 25' wide and there was a 20" or 24" drainage line in the center of the easement. The encroachment would be far enough away from the drainage pipe to allow for maintenance. Mr. Durney understood that the structure may need to be removed, should the CDD require access for construction, etc.

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Janek, with all in favor, a Consent to Use of Easement Agreement for 25250 Galashields Circle, with language identifying the existence of the drainage pipe and a description, was approved.**

**JOINT BOARD ITEM**

**FIFTH ORDER OF BUSINESS**

**Staff Report: District Engineer (Both)**

Mr. Kayne stated that the first draft of the National Pollutant Discharge Elimination System (NPDES) MS4 Year 5 Annual Report was provided to Mr. Adams, on Friday, and must be submitted to Lee County no later than March 29. The final draft would be presented at the March 27 Board Meeting. Survey information regarding the sluice gate modifications was collected and the record drawings were prepared. The project would be submitted for certification, this week.

**SIXTH ORDER OF BUSINESS**

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

Mr. Kurth recalled concerns about water clarity in Lake A-23. A turbidity test was performed and the turbidity was 2, which meets drinking water standards. An alum treatment was applied on Lake A-29, in Terzetto, which was brown for awhile and may have affected Lake A-23. Due to resident concerns, another jar test was performed and a work order was issued for

a second alum treatment, which should occur in the next week. Mr. Kurth requested that the fountain be shut off for a few days, prior to treatment.

Mr. Kurth stated that Mr. Adams forwarded an email expressing concerns about spraying near the littoral plants in Lake C-4, in Heron Marsh. Spraying occurs around littoral plantings when algae or chara are being treated but the plants are not harmed if the spray does not contact the leaf, above the water surface. In response to a concern about exotic fish, Mr. Kurth toured the lake and exotics were not prevalent. On the south end, off of Lakemont Drive, four osprey, a 6' alligator and seven or eight herons were observed. The water was clear and very shallow, which created an opportunity for fish to be preyed upon. In the future, fish stocking may be considered.

A Lakemont Cove resident inquired about the low lake level, soap suds where the pipe empties into the lake, the fountain not spraying more than 5' and 11' of grayish brown grass, from the edge of the grass to the water. Mr. Adams stated that water from the well field was pumped into the Lakemont Cove lake and drawn out, at night, for irrigation. Mr. Kurth stated that the suds were bubbles from protein and the brown vegetation was due to dry conditions. Throughout the community, lakes were lower than normal.

Mr. Joe Schultz, a resident, inquired about increasing the amount of water pumped into the lake. Mr. Adams discussed the withdrawal permitting process and stated that, if the demand did not decrease, Phase 3 lockdowns may be instituted, where once per week watering would be mandated.

Mr. Howie Ames, a resident, stated that residents were receiving conflicting reports about the fountains. Mr. Adams stated that repairs were forthcoming.

Ms. Darlene Bell, a resident, stressed the importance of the fountains and asked what would be done to address the issue. Mr. Adams stated that the pumps would be replaced on both fountains. Mr. Crew stated that an aerator mixer might be a better system. Mr. Kurth would provide a proposal, should the Board wish to consider.

A resident expressed concern about the view of an intake pipe from his property and asked if the pipe could be shortened. Mrs. Adams stated that the bank would be planted with littorals to improve the view.

Ms. Kathleen Roach, a resident, stated that, in the morning, the lake has a bad odor and green algae. Mr. Adams stated that the green algae may be the result of the algae treatment, which causes it to release pungent gas smells. The smell may also be hydrogen sulfide coming

from the well field. Algae blooms should be reported to District Management who, in turn, would report them to LakeMasters.

**SEVENTH ORDER OF BUSINESS**

**Update: Barren Wetland Area Between Treviso and Golf Course**

Mr. Adams stated that planting was completed. An on-site meeting was held with the Golf Course Superintendent to discuss fertigation usage and runoff. There should be a containment system, on the edge of the green, to capture the first 1/4" of runoff but no system was in place. In mid-April, renovations would begin and a berm or swale would be constructed.

Mr. Crew asked if plot monitoring sites were established for the wetland plantings, to ensure survivability. Mr. Adams stated that two 20' by 20' areas would be staked, with ribbons, and photos would be taken, for documentation. Monthly monitoring would occur.

Mr. Bill Nicholson expressed gratitude, on behalf of Treviso residents, for the plantings in the barren wetland.

**EIGHTH ORDER OF BUSINESS**

**PLCA Landscape Committee Updates**

Mr. Adams stated that this item would be discussed during the Seventeenth Order of Business.

**NINTH ORDER OF BUSINESS**

**Irrigation Reports (Both)**

**A. High User**

**i. Bayside Improvement CDD**

**ii. Bay Creek CDD**

Ms. McVay stated that her name appeared on the high user list but it was because the formulas were not updated. Mr. Adams stated that the issue was resolved.

Whenever rates increase, Ms. McVay requested that a letter be sent to Bay Creek residents and the management companies advising of the increase, the reason for the increase, the monthly maximum number of gallons per neighborhood, a reminder to test rain sensors, annually, and advising that the bonds were paid off one year early and the amount saved.

Mr. McCarthy suggested adding two rate sheets, for clarity.

**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**

Mr. Crew stated that his name was on the Zero Consumption Report but he used water. Mr. Kemp would review the report and check meters.

**TENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of January 31, 2017**

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2017. Assessment revenue collections were at 91%. Expenses were at 31%. "Office operations" were reclassified.

Mr. McCarthy noted incorrect calculations for Bay Creek's General Fund assessment levy and irrigation revenues. Mr. Adams would check allocations.

**\*\*\*Mr. Janek left the meeting.\*\*\***

**ELEVENTH ORDER OF BUSINESS**

**Approval of January 23, 2017 Regular Meeting Minutes (Both)**

Ms. McVay presented the January 23, 2017 Regular Meeting Minutes and requested that corrections be provided to Mrs. Adams.

**On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Bill Nicholson, with all in favor, the January 23, 2017 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 January 23, 2017 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved. (Motion passed 4-0)**

**\*\*\*Mr. Janek returned to the meeting.\*\*\***

**TWELFTH ORDER OF BUSINESS**

**Action Items (Both)**

Ms. McVay presented the Action Items.

Items 11, 12, 13, 14, 15, 16, 17 and 18 were completed.

Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 19 were continued.

**THIRTEENTH ORDER OF BUSINESS**

**Old Business (Both)**

There being no old business, the next item followed.

**FOURTEENTH ORDER OF BUSINESS**

**Staff Reports (Both)**

**A. District Counsel**

Referring to a handout regarding annexation into Pelican Landing, Mr. Cox stated that the Statutes were clear that Districts cannot force anyone to annex; property owners must petition the Districts and the entity establishing the District must make the modification to the District's boundaries.

With regard to an Editorial Opinion published in the Naples Daily News, Mr. Cox stated that House Bill 843 was introduced to address the Sunshine Law, allowing two Board Members to meet and discuss items that may come before the Board, as long as the subject was not forbidden. Additional modifications to the bill were necessary, since someone must prove that a violation occurred.

**B. District Manager**

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

Mrs. Adams recalled discussion by Mr. Hancock, at the last meeting, about the landscape lights along US 41 being different color variations and a request for uniformity. Bentley Electric (Bentley) submitted a \$6,250 proposal to replace the bulbs with the same color. In an email, Mr. Bentley provided a price of \$10,500 for LED lights. Mrs. Adams stated that the cost was not budgeted. Mr. Cox noted the significant savings by changing to LED lights.

Mr. McCarthy stated that LED bulb life was greater, decreasing the frequency for replacement, and the bill would be reduced by at least two-thirds. He suggested that someone knowledgeable about LED determine which color to choose.

Mr. Cramer stated that Florida Power & Light (FPL) was adding LED lighting on US 41, up to Fort Myers; therefore, he was in favor of LED lighting, for consistency. Mr. Crew noted

resident concerns about LED lighting being the proper spectrum. Discussion ensued regarding funding. Mr. McCarthy motioned to approve Bentley’s \$10,500 proposal for LED lights, with Bentley’s recommendation for type, and funding the project with fund balance. Mr. Cramer seconded the motion.

Mr. Crew stated that the proposal was for 60 100W MH lights. Mr. McCarthy stated that there were also 25 PL-C13W and 48 FL32T8 lamps, for landscape and monument lighting, so additional information was required prior to approval. Mr. McCarthy rescinded the motion and the item was deferred.

Mr. Nicholson requested a savings calculation from Bentley.

**ii. NEXT MEETING DATE: March 27, 2017 at 2:00 P.M.**

Ms. McVay stated the next meeting will be held on March 27, 2017 at 2:00 p.m., at this location.

**FIFTEENTH ORDER OF BUSINESS**

**Supervisors’ Requests (Both)**

Mr. Travers received an email from Mr. Fred Sutherland, a resident of The Ridge, about the fountain in Lake A-10 not working properly. Staff would explore options for a mixer.

Mr. Glueck inquired about the status of the motor replacement for the second fountain on US 41. Mrs. Adams would contact Mr. Kucera for a status.

Ms. McVay stated that, in the area between Bay Creek Drive and Pelicans Nest Drive, vines were overgrowing the palm trees and an exotic was growing out of a palm tree in the center of the traffic circle at the Bay Creek entrance.

Mr. Crew asked Staff to inspect the ficus hedge on Bay Cedar Drive, specifically around 25261. White fly treatments were performed last year and the hedge deteriorated.

Mr. Cramer recalled discussion at a Pelican Landing Community Association (PLCA) board meeting about Hotwire Communications (Hotwire). Mr. Hancock reported complaints from homeowners who had trenches dug in their yards and the trenches were not properly restored, afterwards. According to the PLCA newsletter, Hotwire’s standard procedure was to leave the soil in a pile and overseed, once trenching was completed. Ms. McVay attended the meeting and stated that Hotwire was not planting the same type of grass. Mr. Adams stated that, if restoration was occurring in an area maintained by the CDD, it would be restored with floratam.

Further discussion ensued.



Mr. McCarthy stated that the Village of Estero (the Village) assumed maintenance of certain street right-of-ways (ROWS), including Coconut Road, as it bounds CDD property, to Via Veneto. The CDDs maintain a portion of the ROW, on the south side, and the Village would be seeking a Consent Agreement, similar to The Brooks agreement, which would be transferred from Lee County to the Village. The agreement would clarify what the CDDs would and would not do.

**SIXTEENTH ORDER OF BUSINESS**

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

Ms. Gail Gravenhorst, UOC Representative, discussed CDD maintenance of the property in the rear of the Hyatt. Ms. Gravenhorst viewed the area and distributed photos. Ms. Gravenhorst expressed concern that time and attention should be focused on the common areas and felt that maintaining this property would take away from other areas. Mr. Adams suggested installing bahia sod, which the CDD would mow, once per week, for erosion control and to stabilize the exposed soil. Mr. McCarthy stated that an amendment to the current agreement would be required for the CDDs to maintain the property and the PLCA must make improvements before the CDDs would consider expanding the agreement to maintain it.

Ms. Gravenhorst asked the Board and Staff to review the plantings at the Community Center, as trimming was required. Mr. Crew stated that the PLCA must advise the CDDs how they want the area designed.

***\*\*\*The meeting recessed at approximately 4:01 p.m.\*\*\****

***\*\*\*The meeting reconvened at approximately 4:07 p.m.\*\*\****

**SEVENTEENTH ORDER OF BUSINESS**

**Round Table Discussion with PLCA Representatives**

**A. Landscape Maintenance Agreement**

A PowerPoint presentation was given by Mr. Jack Lienesch, a resident and Chairman of the PLCA Landscape Committee. Points 4, 5 and 6 of the Landscape Maintenance Agreement were discussed. With regard to the necessity to occasionally engage professional services, Mr. Lienesch stated that now was the time. Mr. Lienesch suggested two approaches:

- Increasing the scope of the new master plan for PLCA Phase 1, to redesign the landscaping for the entire property, including certain properties outside of the gates that are maintained by the CDDs

- Adding a separate CDD budget category. Another account would be added for Bayside Improvement, allocated to maintaining The Tides and other privately owned properties outside the gates, serviced by the CDD. An allocation would be added for the three entrances, up to the gatehouses. The PLCA Common Area Phase 1 landscape improvements would not be included in this category.

Mr. Lienesch showed slides of the current landscape budget, the size and scope of the project and the cost. The architect's estimate was \$60,000. Last week, Mr. Hancock advised Mr. Lienesch that money was transferred from the PIC PLCA account to the CDD, to execute projects, and \$12,000 remained. Mr. McCarthy would research.

Mr. Lienesch stated that it was the CDDs' responsibility to landscape the sluice gate structures and a landscape buffer was required, for safety. The PLCA landscape architect would provide a plan.

Mr. Lienesch requested CDD funding for the landscape maintenance project.

Mr. Crew recalled that the CDDs committed to addressing the landscaping for the sluice gate structures. Mr. Adams understood that Mr. Spencer, the PLCA's architect, would provide a landscape plan. Mr. Crew suggested painting the structures green and building a formal observation deck, with a sidewalk and railing, in the scenic view area, for safety. Staff would obtain proposals for painting the gate structures.

Mr. Cramer felt that asking the Districts to revise their budget was premature; a plan must be presented to the Boards. Mr. McCarthy stated that the Board Members would not restructure the CDDs to devise a way to appropriate funds dedicated to PLCA assets; the PLCA should have reserved funds for the project. Once the project was completed, the CDD would assume maintenance.

Ms. McVay agreed that the project should have been reserved for; it is expensive and capital funds may be required. Bay Creek CDD voted to hire the same landscape architect as the PLCA, for maintenance, and the CDDs' job is maintenance, not new infrastructure. Referring to the photos, Mr. Crew stated that the CDDs should hire a landscape architect to advise what to plant. Mr. Adams stated that it was a plan design issue; if the palette is to be changed in this location, Staff would like an experienced person to advise what and how to plant.

Further discussion ensued.

**B. Landscape Master Plan Funding Options**

This item was not discussed.

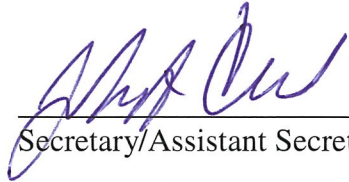
**EIGHTEENTH ORDER OF BUSINESS**

**Adjournment: (BOTH)**

There being no further business to discuss, the meeting adjourned at 5:07 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