

**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, March 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 (<i>via telephone</i>)	District Counsel
Wes Kayne	District Engineer
Bill Kurth	LakeMasters Aquatic Weed Control, Inc.
Gail Gravenhorst	UOC Representative
Janelle Wisniewski	PLCA Assistant Manager
Marvin Hancock	PLCA President and Liaison
Jack Lienesch	Resident
Charlotte McCarthy	Resident
Paul Sowka	Resident
Larry Sturtz	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 stated that all Supervisors were present, in person.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

Mr. Paul Sowka, a resident, discussed foliage overgrowth on Spring Creek and showed photos from 2010, when the creek was visible, and recent photos of the obstructed view. The issues were presented to The Pointe but not resolved. Mr. Sowka asked if the CDDs could trim the overgrowth.

Mr. Adams stated that the permit would be reviewed to determine allowable activities. Trimming the mangroves may not be identified as allowable, in the permit and, if not, a five-year permit must be obtained. Once the initial permitting was obtained and trimming was approved, it could become an ongoing maintenance function, as long as the activity was not changed. Trimming would be a benefit specific to the affected Pointe residents; therefore, they must decide whether to pay for it. Staff would inspect the area, provide a proposal for the permitting process and obtain a proposal for the initial cutback and ongoing maintenance. The Pointe's affected residents must then decide whether it would pay for the project and the Bay Creek CDD Board must determine whether to allow it.

Mr. Larry Sturtz, a resident, observed houses in Spring Creek where the views were completely open. Since a permit was granted to the Country Club to cut to 4', he wanted to know why The Pointe could not do the same. If the mangroves were lowered to 4', Mr. Sturtz would be happy. The affected Pointe residents discussed it and agreed to pay for trimming. Mr. McCarthy stated that the vegetation in the photos was not mangroves. Even if the mangroves were trimmed, there would still be no view, since only exotics may be removed.

In response to a question from Mr. Jack Lienesch, a resident, from the last meeting, Mr. McCarthy stated that PIC funds were discussed prior to this meeting and Mr. Adams would research the exact amount remaining. The balance was approximately \$3,000. In 2015, the funds were absorbed into to the General Fund. Mr. Adams stated that the funds were CDD funds, specifically earmarked for the PIC project. The original amount was \$11,500. A July, 2015 project utilized \$7,000 or \$8,000 so only \$3,000 or \$4,000 remained.

Mr. McCarthy stated that the flood control structure remediation plan was discussed at the last meeting and it was decided that that the sluice gates would be painted green. Mr. Crew suggested that the paint color be approved by the PLCA, as a courtesy.

Mr. McCarthy stated that street lamp poles had no specific identification numbers. Mr. Lienesch stated that the locations were identified on the map and light pole numbers could be used to identify common area landscaping areas. Mr. McCarthy suggested using the catch basin medallions, which were numbered. Mr. Adams stated that the GIS maps would be available to everyone on the CDD website, via a hyperlink.

JOINT BOARD ITEMS

FOURTH ORDER OF BUSINESS

Staff Report: District Engineer (Both)

Mr. Kayne stated that the final draft of the Year 5 Annual National Pollutant Discharge Elimination System (NPDES) Report for the Municipal Separate Storm Sewer Systems (MS4) permit was completed and would be forwarded to the Boards, for informational purposes. There were no substantial changes from previous years. Mr. Adams stated that the Districts would continue to operate in Year 5, as the Department of Environmental Protection (DEP) was challenged, in a lawsuit by another environmental entity, and the next cycle, Number 4, Year 1, was on hold.

Mr. Kayne stated that partial certification for the emergency sluice gate project was submitted to the South Florida Water Management District (SFWMD). SFWMD was on site, last week, and Barraco and Associates (Barraco) was awaiting a response.

Mr. Doug Tarn, of Barraco and Associates, Inc. (Barraco), was on site, last Saturday, regarding the Pelican Colony Boulevard drainage issue. A drainage pipe was uncovered and, until permanent repairs could be made, it was grouted in place to prevent further washout in the road. Referring to a slide, Mr. Adams showed the 18" reinforced concrete drainage pipe on Pelican Colony Boulevard, in front of Ponza. An 8" water line was jack and bored, to serve Ponza. During the jack and bore process, contact was made with the 18" pipe. Eventually, a 6" hole was created in the asphalt. M.R.I. Underwater Specialists, Inc., (M.R.I.), excavated the site and used hydraulic cement to patch the cracks and holes around the pipe, for a temporary fix. Permanent repairs would be made in coordination with Barraco. Staff would pursue recovering

related expenses from the responsible entity. An initial Notice of Intent would be prepared by District Counsel.

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

Mr. Kayne stated that Barraco was working with the Tennis Group Association on a solution to the tennis court runoff into Lakes E-1 and E-2. A landscape architect, experienced with working with Har-Tru, would assist. The existing courts and infrastructure would be utilized.

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

Mr. Kurth expressed concern about the littoral plants because of the exposed lake banks, which would continue to be exposed until rainy season begins. In lakes where water levels were high, the littoral plants look healthy; however, many were low and unsightly.

Mr. Crew inquired about an exposed green discharge pipe coming from a residence on the east side of Lake A-3. Mr. Adams stated that it helps to bypass erosion runoff. LakeMasters would inspect the pipe.

Mr. Bill Nicholson inquired about the alum treatment on Lake A-29, where the lake cleared up but then became cloudy. If the cloudiness was due to the fountain, Mr. Nicholson suggested shutting it down, for a short period. Mr. Kurth agreed. The fountain should not be drawing water from close to the bottom and reactivating the flocculant but, with the low water levels, it was possible. Mr. Kurth suggested shutting off the fountain for one week and testing a water sample for total suspended solids before and after the fountain was turned on.

Mr. Cramer stated that the resident who made the original request to inspect Lake A-23, Pembroke Lake, was not satisfied, despite the Districts' efforts. Mr. Adams stated that the water was tested and the results were a 4; anything below 10 is considered drinking water quality.

Mr. Kurth stated that quotes were provided for surface aerating fountains, for Lakes B-4 and D-10, which were expensive. Crystals were not recommended for Lake E-2 but Mr. Kurth would provide a quote. Another water sample would be tested for nutrient levels, which increased. There was bladderwort in Lake E-2; however, the Sonar application was delayed due to timing. Torpedo grass was under control and submersed vegetation issues were resolved.

SEVENTH ORDER OF BUSINESS

**Consideration of Bentley Electric Co.,
Proposal for LED Lighting Along US 41**

Mr. Adams presented proposals from Bentley Electric Co., (Bentley), for LED lighting along US 41. The goal was to achieve the same color lighting along the entire frontage and LEDs would provide consistent color, as well as a return on investment. Mr. McCarthy noted that the electrical cost difference would be about 4 to 1 and, over approximately 11 years, \$61,000 would be saved, by switching to LED lights.

Mr. McCarthy suggested installing LED lights in an isolated area and obtaining input from the PLCA before making a decision. Mr. Adams stated that, on the monuments, bright white lights were suggested and soft LED lights were recommended for other parts of the landscaping. Board Members were in favor of installing sample lighting, in the beginning.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Bill Nicholson, with all in favor, the Bentley Electric Co. proposal to install LED lighting along US 41, in a not-to-exceed amount of \$12,550, with sample lighting to be installed before making a decision on color, was approved.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers with all in favor, the Bentley Electric Co. proposal to install LED lighting along US 41, in a not-to-exceed amount of \$12,550, with sample lighting to be installed before making a decision on color, was approved.

EIGHTH ORDER OF BUSINESS

PLCA Landscape Committee Updates

After the last CDD meeting, Mr. Lienesch obtained approval from the PLCA to begin the landscape project for Phase 1, Pelican Landing. Mr. Adams recommended engaging the PLCA's landscape architect to provide a native species palette and a palette that could be used in yards with irrigation. Various locations were discussed.

At the control structure, on Pelican Colony Boulevard, Mr. Crew observed children walking along the wall, which was a safety issue, and suggested an observation deck and railing, similar to those at the Corkscrew Swamp Preserve. Mr. Adams recommended installing a temporary aluminum rail.

Mr. Marvin Hancock, PLCA President and liaison, stated that the legs on a bench at Lakemont Community Park rusted and the bench collapsed. Staff would inspect the bench.

Mr. Cramer asked if Mr. Lienesch would make the landscaping presentation at the PLCA annual meeting. Mr. Lienesch replied affirmatively.

Mr. McCarthy felt that a liaison between the CDDs and the Landscape Committee would be beneficial. Mr. McBride volunteered to serve as the CDDs' liaison and attend meetings.

NINTH ORDER OF BUSINESS

Irrigation Reports (Both)

A. High User

i. Bayside Improvement CDD

ii. Bay Creek CDD

The Bayside Board requested a copy of the newsletter sent to Bay Creek residents about the rate increase. Mr. Adams would provide the letter for informational purposes.

Ms. Gail Gravenhorst, UOC Liaison, was concerned that neighborhoods in The Colony were overwatering. She felt that residents did not understand about water usage and recommended that a CDD Board Member attend The Colony Residents Council meeting to explain the necessity of water conservation. Mr. McCarthy would speak at the annual meeting.

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.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2017

Mr. Adams presented the Unaudited Financial Statements as of February 28, 2017. The "General" fund assessment revenue collections were at 94%. Total expenditures were at 39%. The "Enterprise" funds' total operating expenses were at 40%. Irrigation revenue was at 47%.

Mr. Bill Nicholson asked if there were any issues with the insurance company or recovery for the street light that was knocked over last November. Mr. Adams replied not to his knowledge.

Mr. McCarthy noted that “Engineering fees” were at 94%. The account details for “Engineering fees” would be provided.

ELEVENTH ORDER OF BUSINESS

Approval of February 27, 2017 Regular Meeting Minutes (Both)

Mr. McCarthy presented the February 27, 2017 Regular Meeting Minutes and requested that corrections be provided to Mrs. Adams.

On MOTION for Bayside Improvement by Mr. Bill Nicholson and seconded by Mr. Jim Nicholson, with all in favor, the February 27, 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 February 27, 2017 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.

TWELFTH ORDER OF BUSINESS

Action Items (Both)

Mr. McCarthy presented the Action Items.

Mr. Adams stated that Item 8 would be completed this month and a report would be presented at the April meeting. Follow up was required on Item 10.

With regard to Item 18, Mr. McCarthy stated that the ficus hedge was discussed at the Bay Cedar meeting. Much of the area from the end of the street, where Bay Cedar II begins, to the creek, was narrow so there was no vegetative buffer. In the drainage easement area, a buffer was not planted and the area should be reviewed, periodically. Mr. Adams stated that Calusia was installed in the gaps and was faring well. Mr. McCarthy stated that Calusia should be planted from the back of Mr. Peter Kane’s house to 25261; 25260 must also be reviewed. Staff would meet with Mr. McCarthy.

Discussion ensued regarding fountain ownership and maintenance.

With regard to potential maintenance agreements, Mr. McCarthy stated that the Village of Estero (Village) assumed maintenance of several roads from the County, including Coconut Road, from Via Veneto to Pebble Pointe. The CDD maintained portions of the Coconut Road

right-of-way (ROW) landscaping for many years. During the take over, the Village discovered agreements, two of which were related to Pelican Landing. One agreement was for the section beginning at the bend on Coconut Road, in front of the Hyatt, to the end of the ROW. The agreement was executed by WCI and mentioned the CDD as a possible successor; however, the only beneficiary would be the Hyatt. The other agreement was for approximately 1,700' of ROW landscaping on Spring Creek Road, where it bridges over Pelican Colony Boulevard. WCI was the executor and the agreement also mentioned the CDD as a future successor. Mr. McCarthy felt that the CDDs should look into this agreement. The agreement for Coconut Road, from US 41 to Via Veneto, could not be located and the CDD maintained a great portion of the ROW. If the CDD continued the maintenance, an agreement must be in place.

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

Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 18A and 19 were continued.

THIRTEENTH ORDER OF BUSINESS

Old Business (Both)

There being no old business, the next item followed.

BAYSIDE IMPROVEMENT ITEM(S)

FOURTEENTH ORDER OF BUSINESS

Discussion/Consideration: District Manager's Revised Operating Procedures

- A. Consideration of Resolution 2017-4, Electing Officers of the District**
- B. Consideration of Resolution 2017-5, Designating the Authorized Signatories for the District's Operating Bank Account(s)**

Mr. Adams presented Resolutions 2017-4 and 2017-5 for the Bayside Improvement Board's consideration. The officers would remain the same, with the addition of Mr. Pinder, WHA Controller, as an Assistant Treasurer. The Chair, Vice Chair, Treasurer and Assistant Treasurer would be named as account signers on the District's checking and savings accounts. All warrants and checks would require the Treasurer to serve as the counter-signer.

On MOTION for Bayside Improvement by Mr. Bill Nicholson and seconded by Mr. Cramer, with all in favor, Resolution 2017-4, Electing Officers of the District, as discussed, was adopted.

On MOTION for Bayside Improvement by Mr. Bill Nicholson and seconded by Mr. Cramer, with all in favor, Resolution 2017-5, Designating the Authorized Signatories for the District’s Operating Bank Account(s), was adopted.

BAY CREEK ITEM(S)

FIFTEENTH ORDER OF BUSINESS

Discussion/Consideration: District Manager’s Revised Operating Procedures

- A. Consideration of Resolution 2017-4, Electing Officers of the District**
- B. Consideration of Resolution 2017-5, Designating the Authorized Signatories for the District’s Operating Bank Account(s)**

Mr. Adams presented Resolutions 2017-4 and 2017-5 for the Bay Creek Board’s consideration. As indicated for Bayside, the officers would remain the same, with the addition of Mr. Pinder, WHA Controller, as an Assistant Treasurer The Chair, Vice Chair, Treasurer and Assistant Treasurer would be named as account signers on the District’s checking and savings accounts. All warrants and checks would require the Treasurer to serve as the counter-signer.

On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Janek, with all in favor, Resolution 2017-4, Electing Officers of the District, as discussed, was adopted.

On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Janek, with all in favor, Resolution 2017-5, Designating the Authorized Signatories for the District’s Operating Bank Account(s), was adopted.

SIXTEENTH 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**

With regard to EarthBalance’s proposal, Mrs. Adams stated that the first 90 days of Treviso’s wetland monitoring were under warranty. EarthBalance would photo document,

monthly, at no additional charge, through May. Continued monitoring would be \$295 per event. Mr. Adams noted that the County provided free annual monitoring. Staff could obtain the information from the County's GIS system and provide the Boards with annual aerials. Mr. Crew suggested that Staff take pictures, perhaps quarterly, to document survivability. Mr. McCarthy suggested utilizing EarthBalance on an as-needed basis.

Mrs. Adams stated that, at some point, some of the fountains may need to be shut down, depending on the depth of the water. Staff would continue to monitor them. The architectural fountains would be reviewed this week.

Discussion ensued regarding the watering schedule.

ii. NEXT MEETING DATE: April 24, 2017 at 2:00 P.M.

Mr. McCarthy stated the next meeting will be held on April 24, 2017 at 2:00 p.m., at this location.

SEVENTEENTH ORDER OF BUSINESS Supervisors' Requests (Both)

Mr. Cramer stated that the PLCA annual meeting will take place on Thursday and the CDDs were asked to provide an update to the community. Mr. McCarthy offered to speak.

Mr. Janek stated that the ladies who were pulling weeds were doing a great job and deserved acknowledgement. Mr. McCarthy would convey thanks on the Districts' behalf.

Ms. McVay recalled discussing an area outside of Bay Creek, at the last meeting, that required maintenance. The area was not maintained for several years because maintenance responsibility had not been determined. Mr. Kucera handled the maintenance and the area looked very nice.

Mr. Hancock advised that the bench at Lakemont Park was removed.

EIGHTEENTH ORDER OF BUSINESS Public Comments: *Non-Agenda Items*

Mrs. Charlotte McCarthy, a resident, stated that the Bay Cedar meeting was a great opportunity for the CDDs to communicate with residents. Mr. McCarthy gave a presentation on water conservation and how to use a rain gauge. The Phase 3 pump and water schedule was also discussed and well received by residents.

Mr. Hancock discussed a letter sent to CDD Board Members, asking the CDDs to perform occasional maintenance on the property behind the Hyatt water park. With regard to the

PIC funds, Mr. Hancock understood that Mr. Adams was looking into the balance. If funds were available, the landscape committee would utilize them. Mr. McCarthy stated that the funds were earmarked for specific purposes and were kept on the books for many years. At a Budget Public Hearing, the funds were transferred. Mr. Adams reviewed the CDDs' meeting minutes and, the following month, the funds were transferred, on the assumption that the project was completed. A follow up project, sponsored by by Mr. Glueck, utilized \$7,000 or \$8,000. The remaining amount would be confirmed.

Ms. Gravenhorst asked if the information provided by Mr. McCarthy, at the Bay Cedar meeting, could be posted on the website.


NINETEENTH ORDER OF BUSINESS

Adjournment: (Both)

There being no further business to discuss, the meeting adjourned at 4:20 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