

**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, June 26, 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 ( <i>via telephone</i> )    | Assistant Secretary |
| Robert Travers                          | Assistant Secretary |
| Donald McBride ( <i>via telephone</i> ) | Assistant Secretary |

**Also present were:**

|                    |  |
|--------------------|--|
| Chuck Adams        | District Manager                       |
| Cleo Adams         | Assistant Regional Manager             |
| Bob Rebey          | Wrathell, Hunt & Associates            |
| Dan Cox            | District Counsel                       |
| Wes Kayne          | Barraco & Associates                   |
| Paul Kemp          | Irrigation Manager                     |
| Bill Kurth         | LakeMasters Aquatic Weed Control, Inc. |
| Jack Lienesch      | Resident/Landscape Subcommittee        |
| Peter Kane         | PLCA Director                          |
| Marvin Hancock     | PLCA Liaison                           |
| Charlotte McCarthy | Resident                               |

**FIRST ORDER OF BUSINESS**

**Call to Order/Pledge of Allegiance**

Ms. McVay called the meeting to order at 2:05 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, Glueck, and McVay were present, in person. Supervisors Janek and McBride were attending by telephone. For Bayside Improvement Community Development District, Supervisors McCarthy, Crew, Jim Nicholson, Bill Nicholson and Cramer were present, in person.

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

**THIRD ORDER OF BUSINESS**

**Public Comments: *Agenda Items***

Mr. Peter Kane, a resident and Pelican Landing Community Association (PLCA) Director, conveyed the PLCA's appreciation for the work and efforts of the CDDs and their partnership.

**JOINT BOARD ITEMS**

**FOURTH ORDER OF BUSINESS**

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

Mr. Kayne stated that the Ponza pipe was excavated, where it was in conflict with the water main. The pipe was patched and encased in non-excavatable fill. The pavement would be repaired shortly. There were concerns when water levels rose in the northern portion of Heron Marsh during recent rains. Surveyors took topographic samples along the ends of the cul-de-sacs at Glenwater Lane and discovered a well-defined berm, approximately 1.5' below the permit berm elevation. Additional locations were identified where the berm was low. An exhibit would be prepared, along with cost estimates, to bring the berm into compliance. Based on the results of a visual inspection, approximately 20% to 30% of the berm appeared to be low, or undefined. The focus should be on increasing the berm height, to prevent flooding.

Mr. Jack Lienesch, a resident and Landscape Subcommittee member, stated that the lakes filled up and the marsh was full during the latest rain event. Very little water flowed over the control structure, to drain the marsh. Mr. Adams referred to the animal crossing, as the control

for the area, and noted that the flow was approximately 5" or 6" under the control structure. Mr. Kayne stated that a lake abuts Heron Marsh and the South Florida Water Management District (SFWMD) permit showed that a hydraulic barrier was installed in the berm. The elevations were approximately 13.93' and the control was 12.7'; therefore, the lakes were approximately 1' above control level.

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

Mr. Crew stated that another workshop would be held at the tennis courts, in late July or August. Mr. Spencer would have the preliminary final recommendations. Prior to submitting the recommendations to the Pelican Landing Community Association (PLCA) Board, the Tennis Advisory Committee (TAG) felt it advisable to reconvene and ensure that everyone was aware of the recommendations and had an opportunity to comment. It was important to ask The Colony Foundation and Pelican Nest to participate in the workshop.

Mr. McCarthy attended the last workshop and felt it was very productive. One of the items discussed was the magnitude of the storm that the Districts' system could handle without discharging effluent material. Mr. Greg Desario, landscape architect and consultant for the PLCA, planned to ask Mr. Kayne to review storm discharges. The first task should be to ascertain the level. If an issue occurred with only 1" of rainfall, more storage would be required and alternatives must be considered.

Mr. Cramer agreed that the workshop was very productive and there was good dialog. Mr. Cramer met with Mr. Ron Bloom, TAG President, reviewed historical information he gained when another engineering firm was hired by the PLCA to make recommendations for remediation, and suggested that Mr. Bloom locate the drawings. Mr. Bloom could hire Mr. Kayne as an independent Civil Engineer, to review the drawings and determine whether they were helpful. The TAG was amenable to removing vegetation. Improving the strip of land next to The Colony maintenance area may be accomplished by working with The Colony and the PLCA.

Subsequent to the workshop, Mr. McCarthy met with the engineer who worked on the Pelican Sound courts, where a storm tech system was utilized, and inquired about the logic behind the system. The engineer indicated that there was inadequate storage but there were

concerns over the effluent issue. The engineer retrofitted the property to build the courts. Mr. Kane requested the name of the previous engineer and approximate date of the drawings.

**SIXTH ORDER OF BUSINESS**

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

Mr. Kurth reviewed the lakes to evaluate the status of submersed weed control and it was difficult to locate prominent submersed vegetation. In lakes where material was visible, submersed weeds appeared to be damaged enough not to recover. Better success was achieved with the timing and formulation of Sonar herbicide, which absorbed into the plant quickly. Water levels seemed to be receding. Some growth was anticipated, since water levels were low when Sonar was applied; however, growth should be minimal. Alligator weed and torpedo grass would be more prevalent, due to high water. Significant algae blooms were observed as a result of nutrient loading from the rains but most was green filamentous algae, which was easy to control. Spraying would begin tomorrow. The Terzetta lake had slight brown skins, which may be an inherent problem or caused by material washing in. Pembroke Lake had a slight brownish tint but the water was relatively clear. In general, much green growth was visible.

Discussion ensued regarding types of Sonar herbicide and utilization.

Mr. Crew and the Golf Superintendent toured the lakes on the Pelican Nest Golf Course and identified Lakes A-2, A-10, A-11, D-11, D-8 and D-12, where no trimming would occur and natural vegetation would be allowed to grow in areas where play would not be affected. The littoral zone would increase and the width of the rough would be extended. The change in management practices would extend through October and feedback would be obtained from users and residents. Weed control would continue.

**SEVENTH ORDER OF BUSINESS**

**Community-Wide Irrigation Watering Strategy (Paul Kemp)**

Mr. Kemp referred to the addendum to the Zero Consumption Report and stated that all zero read meters were replaced, except two. The Reserve meter would be replaced today and the Addison Place meter should be replaced this week or next. Some meters were turned off by homeowners. The Sales Center and golf maintenance were not using water and turned off their meters.

Mr. Kemp distributed a proposed pump schedule, to be utilized, going forward. This was the first winter where the wells produced throughout the dry season. Typically, production begins to decrease in March or April but it continued all year. The large rain event in the beginning of the month showed that there were practically no active rain sensors in Pelican Landing. In two days, 8" of rain was measured, 4" on each day, and residents continued to water. Rain sensors and a modified pump schedule may prevent scheduling changes next year, during the dry season. Watering between 4:00 a.m., and 10:00 a.m., resulted in low pressure; therefore, the proposed schedule was extended, from 9:00 p.m., to 10:00 a.m. Changes that were made would allow the Districts to water at the same time as residents.

Mr. Kane stated that, historically, the CDDs' policy for over users was to charge high penalty rates but those residents were wasting water and the supply was diminishing. Stronger measures should be taken, perhaps charging penalty rates for several months and then turning off meters, forcing residents to use City water. The CDDs could also penalize for not having rain sensors.

Mr. Kemp stated that landscaping only needs to be watered twice per week. Residents must be educated about the importance of rain sensors. Seasonal residents may not be aware of the severity of the water shortage.

Mr. McCarthy stated that, over the years, the CDDs conveyed the importance of rain sensors but some residents do not care. Turning off meters was not an alternative. Mr. McCarthy suggested a program to draw attention to the effectiveness of rain sensors and encouraging residents to replace them.

Mr. Crew stated that, in Pelican Landing, landscapers have bar code access. He suggested communicating to them that that their clients must have rain sensors and ensure that they are operational. With regard to expanded watering times, Mr. Crew suggested asking the condo associations to water from midnight to 3:00 a.m., as they are defined entities, not single-family homes.

Mr. Bill Nicholson recommended requiring annual certifications for rain sensors, which would verify that a resident has a sensor and it is operational. If certification was not provided, the resident's water would be turned off. Mr. Cox stated if the Boards wanted to adopt a regulation whereby residents must maintain their sensors or have timers inspected, periodically, the rule making process must be followed and the penalty for violating the rule may be whatever the Boards deemed appropriate; however, there must be a rational relationship, which he

believed there was. Mr. Kemp stated that rain sensors were code for about 25 years and any installed sprinkler system should have a rain sensor. Residents should be educated into compliance, as non-compliance resulted in water shortages. If residents were more cognizant of the situation, their behavior may change.

Mr. Kane asked if the CDDs could install several rain sensors throughout Pelican Landing so that the pumps would shut off when it rained. Mr. Kemp would research the possibility.

Mr. Kane stated that, in the past few months, there were approximately 20 zero read meters per month and questioned the total number of meters and whether the meters were reaching the end of their life span. Mrs. Adams replied affirmatively. Mr. McCarthy stated that there were 1,121 meters in Bayside and 128 in Bay Creek. Mr. Bill Nicholson stated that approximately 250 meters, or 20%, were replaced each year.

Mr. Hancock stated that golf course grass must be watered daily. If the Design Review Committee (DRC) must approve grass changes, he suggested asking the DRC to grant permission to change the type of grass in Pelican Landing.

**EIGHTH ORDER OF BUSINESS****Update: Bay Creek Reclaimed Water Agreement with RCS and Future Bayside Reclaimed Water Agreement with RCS**

Mr. Adams received the fully executed agreement between Bay Creek CDD and RCS. The application to modify the Consumptive Use Permit was submitted. Upon approval, a refined design and proposals to install the actual mechanical connection would be obtained. He anticipated that the connection would be installed by the end of summer and Bay Creek would begin to receive re-use water in the fall. With regard to Bayside, part of the delay was due to RCS finalizing an agreement with Bonita Springs Utilities (BSU) to secure all of the reclaimed water coming from their wastewater plants. Currently, RCS has approximately one-half of Bayside's daily average, 1 million gallons per day, available and the District needs approximately 2 million gallons. All of the water must be available because the pump station would be taken offline. RCS planned to fast track this because other large users, west of US 41, were interested in pressurized service.

**NINTH ORDER OF BUSINESS****Discussion: Berm Lighting Along Bonita Bay**

After observing the lighting along Bonita Bay, the consensus of the Boards was to install softer LED uplighting, like Bonita Bay's.

**TENTH ORDER OF BUSINESS**

**PLCA Landscape Committee Updates**

This item was discussed during the workshop held prior to the Joint Regular Meeting.

**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**

**i. Bayside Improvement CDD**

**ii. Bay Creek CDD**

These reports were provided for informational purposes.

**C. Zero Consumption**

**i. Bayside Improvement CDD**

**ii. Bay Creek CDD**

These reports were discussed during the Seventh Order of Business.

**TWELFTH ORDER OF BUSINESS**

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

Mr. Adams presented the Unaudited Financial Statements as of May 31, 2017. In the General Funds 001 and 101, combined assessment revenue collections were at 98% and expenditures were at 63%. In The Colony, expenditures were at 69%. The "Mulch program" line item was at 162%; mulch was installed twice, instead of once. Assessment revenue collections were at 98%. In the "Enterprise" funds, "Total operating revenues" were at 76% and assessment revenue collections were at 98%. "Irrigation" revenues were at 64% and expenses were at 68%. The two "Uninsured Assets" funds may be used to fund the Districts' participation in the first phase of the landscape program with the PLCA.

**THIRTEENTH ORDER OF BUSINESS**

**Approval of May 22, 2017 Regular Meeting Minutes (Both)**

Ms. McVay presented the May 22, 2017 Regular Meeting Minutes.

**On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the May 22, 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. Travers, with all in favor, the May 22, 2017 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 9, 10, 11, 12 and 15 were completed.

Items 1, 2, 3, 4, 5, 6, 7, 8, 13, 14 and 16 were continued.

Item 16 would be revised to add “from EarthBalance”

**FIFTEENTH ORDER OF BUSINESS**

**Old Business (Both)**

There being no old business to discuss, 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**

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

This report was provided for informational purposes.

**ii. NEXT MEETING DATES**

- **July 21, 2017 at 9:00 A.M. – Budget Workshop**
- **July 24, 2017 at 2:00 P.M. – Joint Regular Meeting**



Ms. McVay stated that a Budget Workshop will be held on July 21, 2017 at 9:00 a.m., at this location. A Joint Regular Meeting will be held on July 24, 2017 at 2:00 p.m., at this location.

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

There being no public comments, the next item followed.

▪ **Supervisors' Requests**

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

Mr. Cramer stated that, at the last PLCA meeting, there was discussion about the CDD making a presentation to the PLCA Board, at the July 20 meeting. He envisioned an explanation of assessments, Chapter 190, the community's assets, the Districts' responsibilities, including the lakes, sovereign immunity, along with providing handouts. Mr. Adams was asked to compile the information.

Mr. Kane suggested a 10 to 15-minute general overview and emphasizing accomplishments, such as the sluice gates.

Mr. Crew recommended capturing the information in the PLCA's minutes and publishing it in the quarterly newsletter.

**EIGHTEENTH ORDER OF BUSINESS      Adjournment (Both)**

There being no further business to discuss, the meeting adjourned at 3:30 p.m.

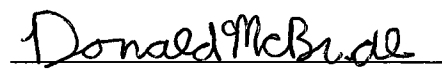
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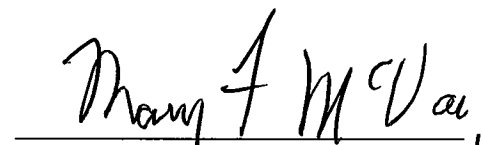
**FOR BAYSIDE IMPROVEMENT:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair