

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

A Joint Public Hearing and a Regular Meeting of the Boards of Supervisors of the Bayside Improvement Community Development District and Bay Creek Community Development District was held on **Monday, August 28, 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 (<i>via telephone</i>)	Assistant Secretary
Jim Nicholson	Assistant Secretary
Bill Nicholson (<i>via telephone</i>)	Assistant Secretary

For Bay Creek CDD:

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

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Dan Cox	District Counsel
Carl Barraco	District Engineer
Wes Kayne	Barraco & Associates
Doug Tarn	Barraco & Associates
Jack Lienesch	Resident/Landscape Subcommittee
Marvin Hancock	PLCA Board
Michael Spencer	Landscape Architect (PLCA)
Mr. Loose	Resident
Bob Robertson	Resident
Mr. Smith	Resident
Ann Cramer	Resident
Charlotte McCarthy	Resident
Rich Blazic	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 Glueck, McBride and McVay were present, in person. Supervisor Janek was attending via telephone. For Bayside Improvement Community Development District, Supervisors McCarthy, Cramer and Jim Nicholson were present, in person. Supervisors Crew and Bill Nicholson were attending via telephone.

On MOTION for Bay Creek and by Mr. Glueck and seconded by Mr. McBride, with all in favor, authorizing Supervisor Janek’s attendance and full participation, via telephone, due to exceptional circumstances, were approved.

On MOTION for Bayside by Mr. Jim Nicholson and seconded by Mr. Cramer, with all in favor, authorizing Supervisors Crew and Bill Nicholson’s attendance and full participation, via telephone, due to exceptional circumstances, were approved.

▪ **Storm Reports**

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

Mr. McCarthy stated that the recent storm arose without notification and he thanked everyone for working so diligently. As a Civil Engineer, he was familiar with stormwater systems and has been a resident for over 25 years and served on the Board for 10 years. In his opinion, there were two major contributors to the unfortunate event in Pelican Landing. First, the amount of rainfall exceeded the ultimate design for the surface water management system, as prescribed by the South Florida Water Management District (SFWMD). The rainfall exceeded the 100-year storm amount, which was the ultimate design for a system. Pelican Landing was not an isolated island and, when a major storm event occurs, surface water runoff from off-site systems that have been taxed, impacts the system. The runoff can no longer be contained and controlled from the system since it takes in water from outside. In this case, Coconut Point, Fountain Lakes and Marsh Landing were flooded. Coconut Crossing is a partially constructed

development with a dysfunctional system, which did not accept the runoff, rather, it discharged the water towards this community. Elevation in the lakes was 15' instead of the controlled elevation of just under 13'. Once that occurred, several feet of water had no place to discharge, as the system was not designed for that, nor could the extra 2' of water be eliminated. Water was appearing in the streets. On Saturday morning, Mr. Adams opened all of the discharge gates to alleviate the basins being taxed by the overage of water. It would not be easy to remedy this situation. Mr. Bill Ripple would be asked to include the Districts in the study that the engineers are conducting to prepare a storm plan. The Districts would complete the repair work needed on the berm, between upper Heron Marsh and Waterside communities. The berm was low and the water migrated into the basin, which worked as a benefit, in this instance. There were mitigating measures that the Districts could take to reduce impacts similar to this one, in the future.

▪ **Staff Report: District Engineer**

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

Mr. Barraco stated that the District Engineer often times the Design Engineer but not in this instance. He introduced Mr. Kayne and Mr. Tarn. The intent of the system was to lower the water in the lake to avoid water surge. Mr. Adams and his team were in the Districts, over the weekend, opening all of the gates and monitoring the water. There were two breeches in the system; one on the north and one on the east side of the system. A review of the breeches was needed, to ensure it would not happen again. A low berm must be addressed to improve the system. There were seven components of the emergency plan; two were not constructed but would improve the system.

Mr. Adams opened sluice gates on Saturday, when the unexpected storm occurred. As he opened the sluice gates, he had no idea what the downstream impact would be; water flowed into residents backyards. The berm around Coconut must be inspected to ensure that water was flowing downstream; the rest of the system worked well. The fish barrier was removed, opening up 50%. The Colony had water flowing across the road.

Mr. McCarthy coordinated with Mr. Adams, throughout the entire weekend, to determine if the system was blocked; the system was operating as it should. These systems were put in place to flow the water. Had it been a forecasted event, this could have been avoided by opening the gates. The drain study being done should address these problems specifically. The Districts need to know what can be done to protect the community in the future.

Discussion ensued regarding where the water was flowing, maps were viewed and the suggested dredging by the Army Corps of Engineers (Corps) was out for bid. The WF-4 drainage needed to be checked since it had debris buildup. Elevations were contouring at the top of the berm.

Mr. Barraco stated that additions to the operating protocol were required and he would need a manager who could do that. This would give the Districts further flexibility to enable the manager to open the gates. There were additional problems to the south, as well. Posting the protocol on the website would be helpful; the operating protocol would be presented to the Boards first. Mr. Baracco must work with a manager to determine where the Coconut Road breeches were, near 41. If this was done soon enough, he would be able to determine the elevations of the high water, stain marks and inspect the driveway, which was the suspected culprit. Of the 10 components of the improved system, eight were completed but the two others were not completed since Mr. Baracco was still in the process and a permit may be required because it had environmental components. B-3 to B-4 should be removed to allow for opening up. In repairing the berm, it would be worthwhile to install monitoring gauges in the lakes. Everything was interconnected but the system was designed with no safeguard. Single pipes created a bottleneck and it would be wise to study them and decide if upsizing the piping was needed. The water should return to control level within twelve days.

This issue should be an agenda item for discussion and to re-address the entire system. In a five-year storm, water would be in the street. If in a 100-year storm, there would be substantial damages.

Mr. Janek stated that the City of Bonita Springs sent an email explaining the rain event and that initiative came from a Board Member.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

Mr. Marvin Hancock, a resident and PLCA Board Member, stated that residents were concerned about what the Boards were doing about the water issue. Mr. McCarthy stated that an Operating Manual was in place and would be posted on the District's website.

A resident asked who was responsible for monitoring the weather for the CDD's. Mr. McCarthy stated no specific person. Mr. Janek stated that he was the weather watcher for Bay Creek and there was no hint of rain, nor warning, concerning the recent storm.

Mr. Jack Lienesch, a resident and PLCA Landscape Subcommittee Member, asked who is responsible for the breach and how can it be repaired. Mr. McCarthy stated that the District is working on a solution.

Mr. Rich Blazic, a resident, discussed the water and voiced his opinion that the Districts “dropped the ball” with regard to the high lake levels; water should have been released sooner.

Mr. Loose, a resident, stated that the Districts should notify the SFWMD, regarding the water issue. He asked if Pelican Road was unincorporated. Mr. McCarthy stated that permits were not required from municipalities for work, especially on the golf course, for the benefit of the communities. The Corps was managing the lakes and the SFWMD was not doing its job. The property on Pelican Road was unincorporated.

Mr. Bob Robertson, a resident, wanted an explanation about a catastrophe policy. He did not recall any improvements in the last five years. Mr. McCarthy stated that there were many improvements over the last five years.

FOURTH ORDER OF BUSINESS

Staff Report: District Engineer (Both)

This item was presented following the Second Order of Business.

JOINT BOARD ITEMS

FIFTH ORDER OF BUSINESS

Continued Discussion: Har-Tru Runoff Remediation Efforts from Tennis Courts to E Lakes

Mr. Cramer had contacted Mr. Ron Bloom, Mr. Dave Richardson and Mr. Bryce Williams regarding the next steps. The Districts had their workshop and the Landscape Engineer should be asked about the next step for the runoff for the tennis courts but he did not have a real answer. Mr. Cramer advised Mr. Bloom that a Civil Engineer should address runoff issues, not a Landscaping Engineer. To complete the entire tennis court revisions, all of the surface runoff problems should be included. If needed, additional funds must be approved by the Boards. Both Mr. and Mrs. Adams made commitments to helping with a number of items on the tennis courts, including taking out shrubbery and removing items.

Mr. Crew’s understanding was that the Landscaping Architect was obtaining construction estimates, not bids. Once obtained, they would be presented to the PLCA Board, for

consideration, in September. If there were permitting issues, he would advise the PLCA and consult with Mr. Barraco to take the lead.

SIXTH ORDER OF BUSINESS

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

This item was not addressed.

SEVENTH ORDER OF BUSINESS

PLCA Landscape Committee Updates

Mr. Lienesch gave an overview of the open issues. His job was to determine what plants to use when during the dry and wet seasons.

Discussion ensued regarding the landscaping design.

Mr. Lienesch's firm was hired by the Districts to examine all of the landscaping improvements in Pelican Landing and to develop a master plan. From the master plan there would be phasing and pricing and all of the benefits from a master plan. That work was ongoing all summer and was almost ready for presentation of a plant list. Based upon an assessment of the site, plants would be located. Mr. Lienesch presented a spreadsheet regarding the types of plants and the costs. A point person was needed for contact with Mr. Smith, who was working with Mr. Lienesch, weekly, to inform him of what was being done. Mr. and Mrs. Adams agreed to be the point of contact. Mr. Adams would work in the field to ensure that the placement of the plants was correct.

Discussion ensued regarding sheer hedges to be removed and whether it was PLCA property. New legal descriptions were prepared for the parcels and a review was necessary regarding the PLCA property. There was a utility repair and the tennis court was noted. It would be less expensive to purchase new hedges than relocate them.

In response to a question about what Mr. Greg Disarios' actual role with the tennis courts, Mr. McCarthy stated that he was contracted to perform a specific job related to stormwater management; he does not deal with planning, designs or plants.

Mr. Adams had a list of contractors and recommended that certain trees be marked for removal. A Board Member inquired if residents would be notified that trees would be removed. Mr. Smith stated that the trees were not on resident properties. A Board Member felt that it would still be an issue for residents since tree removals could affect their views, etc. A notice should be sent informing residents and containing a phone number, in case residents had

questions. Mr. Spencer stated that the cables were not safe in the roundabout area; it was not constructed to street standards and was originally an access road. Mr. Spencer inquired about who owned it. Ms. McVay stated that it was installed by the Developer and owned by the PCLA.

Mr. Lienesch stated that there could be a series of barriers, in lieu of the proposed guardrails.

Mrs. Adams stated that flower change-outs occur during the first week of February, May and October and the flowers must be ordered 90 days in advance.

EIGHTH ORDER OF BUSINESS

Irrigation Reports (Both)

A. High User

- i. Bayside Improvement CDD**
- ii. Bay Creek CDD**

These items were not addressed.

B. Penalty Usage Summary

- i. Bayside Improvement CDD**
- ii. Bay Creek CDD**

These items were not addressed.

C. Zero Consumption

- i. Bayside Improvement CDD**
- ii. Bay Creek CDD**

Ms. McVay stated that the bills that were sent, were incorrect; only the monthly allocation was needed.

NINTH ORDER OF BUSINESS

**Discussion: Maintenance of Community Center Landscaping and Other Areas
[Ms. Gail Gravenhorst and Supervisor Jim Nicholson]**

Mr. Jim Nicholson reported that he and Ms. Gravenhorst viewed the front of the Community Center building, the landscaping and the maintenance of the plants. They observed that the plantings were randomly placed. The Garden Club tried to create their own botanical garden but, in doing so, more maintenance would be required. Ms. Gravenhorst and Mr. Jim

Nicholson took extensive notes and photos to determine what needed to be done to control maintenance of the plantings, trees and shrubs. Mr. Jim Nicholson offered to work with the Landscaping Committee to oversee this project. Mr. Adams requested that the Landscaping Committee be contacted, prior to removing any of the plantings, to ensure they were supportive of Ms. Granvenhorst and Mr. Nicholson’s efforts. Otherwise, Mr. Adams had no objections with them overseeing the project. The Design Committee, PLCA, Ms. Gravenhorst and Mr. Jim Nicholson would work together to coordinate removal or replacement of plants and shrubs.

TENTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Adoption of the Districts’ Final Budget(s) for Fiscal Year 2017/2018, Pursuant to Florida Law (Both)

A. Affidavit of Publication

Mr. McCarthy and Mr. Cox presented the affidavit of publication for today’s Joint Public Hearing and Regular Meeting.

B. Consideration of *Bayside Improvement Community Development District Resolution 2017-8, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2017, and Ending September 30, 2018; Authorizing Budget Amendments; and Providing for an Effective Date*

Mr. McCarthy presented Resolution 2017.8.

***** Mr. McCarthy opened the Public Hearing.*****

No members of the public spoke.

*****Mr. McCarthy closed the Public Hearing.*****

On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Bill Nicholson, with all in favor, Resolution 2017-8, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2017, and Ending September 30, 2018; Authorizing Budget Amendments; and Providing for an Effective Date, was adopted.

C. Consideration of *Bay Creek Community Development District* Resolution 2017-8, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2017, and Ending September 30, 2018; Authorizing Budget Amendments; and Providing for an Effective Date

Mr. McCarthy presented Resolution 2017.

***** *Mr. McCarthy opened the Public Hearing.* *****

No members of the public spoke.

******Mr. McCarthy closed the Public Hearing.******

On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. McBride, with all in favor, Resolution 2017-8, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2017, and Ending September 30, 2018; Authorizing Budget Amendments; and Providing for an Effective Date, was adopted.

ELEVENTH ORDER OF BUSINESS

Consideration of Annual Assessment Resolutions

A. *Bayside Improvement Community Development District* Resolution 2017-9, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2017/2018; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Jim Nicholson, with all in favor, Resolution 2017-9, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2017/2018; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

B. *Bay Creek Community Development District* Resolution 2017-9, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2017/2018; Providing for the Collection and Enforcement of Special Assessments;

**Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll;
Providing a Severability Clause; and Providing an Effective Date**

On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. McBride, with all in favor, Resolution 2017-9, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2017/2018; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

TWELFTH ORDER OF BUSINESS

**Consideration of Joint Meeting Schedule
for Fiscal Year 2017/2018**

**A. *Bayside Improvement Community Development District* Resolution 2017-10, Adopting
the Annual Meeting Schedule for Fiscal Year 2017/2018**

Mr. McCarthy presented Resolution 2017-10. The December meeting date would be changed to December 4, 2017.

On MOTION for Bayside Improvement by Mr. Jim Nicholson and seconded by Mr. Cramer, with all in favor, Resolution 2017-10, Adopting the Annual Meeting Schedule for Fiscal Year 2017/2018, as amended, was adopted.

**B. *Bay Creek Community Development District* Resolution 2017-10, Adopting the
Annual Meeting Schedule for Fiscal Year 2017/2018**

Mr. McCarthy presented Resolution 2017-10. The December meeting date would be changed to December 4, 2017.

On MOTION for Bay Creek by Mr. McBride and seconded by Mr. Glueck, with all in favor, Resolution 2017-10, Adopting the Annual Meeting Schedule for Fiscal Year 2017/2018, as amended, was adopted.

THIRTEENTH ORDER OF BUSINESS

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

Mr. Adams presented the Unaudited Financial Statements as of July 31, 2017.

FOURTEENTH ORDER OF BUSINESS

Approval of Minutes (Both)

A. July 21, 2017 Joint Budget Workshop

Mr. McCarthy presented the July 21, 2017 Joint Budget Workshop Minutes and stated that edits were submitted to Mrs. Adams.

On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Jim Nicholson, with all in favor, the July 21, 2017 Joint Budget Workshop 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 July 21, 2017 Joint Budget Workshop Minutes, as amended to include edits provided to District Management, were approved.

B. July 24, 2017 Joint Regular Meeting

Mr. McCarthy presented the July 24, 2017 Joint Regular Meeting Minutes and stated that edits were submitted to Mrs. Adams.

On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Jim Nicholson, with all in favor, the July 24, 2017 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.

On MOTION for Bay Creek by Mr. McBride and seconded by Mr. Glueck, with all in favor, the July 24, 2017 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.

FIFTEENTH ORDER OF BUSINESS

Action Items (Both)

Items 4, 5, 8, 9 and 12 were removed.

SIXTEENTH ORDER OF BUSINESS

Old Business (Both)

There being no old business, the next item followed.

SEVENTEENTH 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

Mr. McCarthy stated that, in a prior meeting, Mr. Kayne suggested regionalizing a segment of the irrigation system, which would allow the District to utilize their own rain sensors to shut down the irrigation systems. Mr. Paul Kemp looked into that and came back with a proposal and stated that he agreed that rain accumulations were in three strategic locations in the community. If all three sites exceeded a parameter, which will be established, he could shut down the irrigation system through the computer. Mr. McCarthy encouraged the Boards to support this proposal. The three locations would be for the pump station at the parkway, the District Services Building and the Greenview Pump Station. This effort would save 1.7 million gallons of water. The Board had no objections and Mr. McCarthy instructed Mr. Adams to advise and thank Mr. Kemp for the suggestion and to move forward with the proposal.

ii. NEXT MEETING DATE: September 25, 2017 at 2:00 P.M.

The next meeting will be held on September 25, 2017 at 2:00 p.m., at this location.

EIGHTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

Mrs. Ann Cramer, a resident, appreciated all of the work done over the weekend, during the storm. Regarding the new proposal for the irrigation system, residents should be informed. When Lennar started building Altaira, an adjustment should have been made for those parcels. Mr. Adams confirmed that the adjustment was made for Altaira and Mr. McCarthy stated that the residents would receive some type of notice, regarding the irrigation system.

Mrs. Charlotte McCarthy, a resident, stated that the Staff and Districts did a great job. She was concerned about the Landscape Committee arbitrarily choosing plants. Residents needed to know about this since it would probably come back to the Landscaping Committee and

the Districts, once the trees started to be removed. Mr. McCarthy suggested that the Districts send their own notification, if one was not already done.

▪ **Supervisors' Comments**

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

Ms. McVay stated that she was not notified about the dead grass, along Pelican Nest Drive, and neighbors were calling her to inquire about it. Mr. Adams replied that turf replacement was being completed. Ms. McVay requested notification about these issues in the future.

A Board Member commented that he recently read Meeting Minutes from approximately two months' ago. The Minutes were very helpful and a great refresher of past topics and actions. The Board Member stated that, at the corner of Coconut Road and 41 and at the north entrance, the grass and weeds were very high. Mr. and Mrs. Adams noticed the same and would inspect the area.

Mr. Cramer stated that the workshop with the Tennis Committee was positive. From that meeting, Ms. Cheryl McFarland, PLCA General Manager, was briefed about opportunities to save money for the communities. Installation of the new tennis courts projected a 40 to 50% savings on water consumption. Mr. Williams went through a number of items with Mr. Cramer and was pleased that the Districts would be reducing water usage for those particular areas. Mr. Williams has a program established, on a monthly basis, for the monthly consumption; therefore, Mr. Williams would record the same and determine cost savings. Mr. Cramer sent Mr. Williams all of the budget information.

NINETEENTH ORDER OF BUSINESS

Adjournment (Both)

There being no further business to discuss, the meeting adjourned at 4:57 p.m.

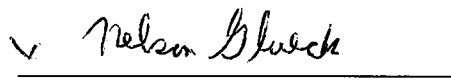
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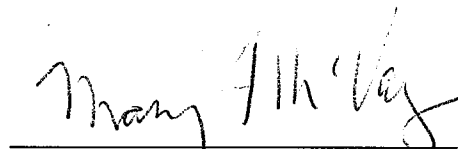
FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair