

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

The Boards of Supervisors of the Bayside Improvement Community Development District and Bay Creek Community Development District held Public Hearings and a Joint Regular Meeting on August 26, 2019 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
Robert Travers	Assistant Secretary
Donald J. McBride	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Jason Olson	Assistant Regional Manager
Dan Cox	District Counsel
Wes Kayne	District Engineer
Tony Grau (via telephone)	Grau & Associates
Chris Land	SOLitude Lake Management
Cathy Avenatti	PLCA Property Manager
Gail Gravenhorst	Resident/PLCA Landscape Committee

FIRST ORDER OF BUSINESS

Call to Order/Phone Silent Mode/Pledge of Allegiance

Mr. McCarthy called the meeting to order at 2:09 p.m.

All present recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS

Roll Call

Mr. McCarthy asked Supervisors and Staff to state their names. For Bay Creek Community Development District, Supervisors McBride, Travers and McVay were present, in person. Supervisors Glueck and Janek were not present. For Bayside Improvement Community Development District, all Supervisors were present, in person.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

There were no public comments at this time.

BAYSIDE IMPROVEMENT BUSINESS ITEMS

FOURTH ORDER OF BUSINESS

**Presentation of Audited Financial Report
for Fiscal Year Ended September 30, 2018,
Prepared by Grau & Associates**

Mr. Grau presented the Audited Financial Report for Fiscal Year Ended September 30, 2018 and described the information that could be found on each page. This was a clean, unqualified audit with no findings or instances of noncompliance.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2019-04,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended
September 30, 2018**

Mr. McCarthy presented Resolution 2019-04.

On MOTION for Bayside by Mr. Bill Nicholson and seconded by Mr. Jim Nicholson, with all in favor, Resolution 2019-04, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2018, was adopted.

BAY CREEK BUSINESS ITEMS

SIXTH ORDER OF BUSINESS

**Presentation of Audited Financial Report
for Fiscal Year Ended September 30, 2018,
Prepared by Grau & Associates**

Mr. Grau presented the Audited Financial Report for Fiscal Year Ended September 30, 2018 and described the information that could be found on each page. He noted Bay Creek and Bayside recorded grant revenues during the year. This was a clean, unqualified audit with no findings or instances of noncompliance.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2019-04,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended
September 30, 2018**

Mr. McCarthy presented Resolution 2019-04.

**On MOTION for Bay Creek by Mr. McBride and seconded by Mr. Travers, with
all in favor, Resolution 2019-04, Hereby Accepting the Audited Financial Report
for the Fiscal Year Ended September 30, 2018, was adopted.**

JOINT BUSINESS ITEMS

EIGHTH ORDER OF BUSINESS

**Staff Report: District Engineer: *Barraco &
Associates, Inc.* [Both]**

Mr. Kayne discussed the various agencies, discussion panels and concerns presented at the Save Our Water summit he and Mr. Cramer recently attended, which had over 600 attendees. Governor DeSantis spoke about the increase in funding for the Lake Okeechobee and Everglades Restoration projects. The House Representatives saw the need to focus more on policing and enforcing current regulations than developing additional ones. Mr. Cramer felt that the support Governor DeSantis has given the South Florida Water Management District (SFWMD) is indicative of a strong group of people really caring about the issues.

Due to the potential threat of a hurricane, Mr. Crew asked if the control gates were being inspected. Mrs. Adams replied affirmatively. Mr. Adams stated inspections this week would include the control gates, drains and debris removal at Long Lake Village, as specified by the Districts' Standard Operating Procedures (SOP) before storm events and, if forecasted, the gates would be opened to lower the levels. Mr. Crew requested that Staff review Lake B-6, in lieu of the approaching storm, as water levels measure at 19'8" inches, with debris covering the outfall structure.

Mr. Cramer suggested meeting with Mr. Backman and Staff to discuss Hurricane Management. He recalled prior discussions about initiating a control center, providing contact information, etc. Mr. Adams stated Staff's contact information was included in the PLCA's Continuity Plan for Emergencies, which is posted on the PLCA's website; however, he would email it. He suggested that the PLCA Information Officer contact Management periodically to obtain updates.

NINTH ORDER OF BUSINESS

Lake Maintenance Report: *SOLitude Lake Management* [Both]

Mr. Land presented the August 2019 Monthly Report and highlighted the following:

- The six nano-bubblers were installed and functioning properly.
- Weekly treatments of beneficial bacteria were being added to Lakes F6, F-16 and F-1, rather than biweekly, to prevent algae issues.
- No fish kills were reported over a span of two weeks.

Mrs. Adams would coordinate with Mr. Kucera to have the areas of the lakes where nano-bubblers were installed landscaped and Mr. Land, with SOLitude Lake Management, would address the weeds in Lake D-9 at Bay Creek.

TENTH ORDER OF BUSINESS

PLCA Landscape Committee Report

Based on discussions at the Workshop, a Board Member proposed the following changes to the draft Landscape Maintenance Agreement:

Page 2, Item 9, last sentence: Change "may provide" to "shall provide"

Pages 2 and 3, Item 10: Change verbiage back to before the redline version

Page 3, Item 19: Revise to clarify the statement that the Agreement supersedes all prior agreements against existing verbiage in the Declarations.

Page 3, Item 20: Change verbiage throughout paragraph referring to the Districts as "unilateral" to "bilateral".

Page 4, After Item 22: Add "23. PLCA agrees to communicate regularly with residents in regard to landscaping issues, as cleared through CDD Management and, if necessary, the Chairs."

A Board Member agreed that this additional verbiage was necessary and suggested Mr. Backman include and distribute the “In The Know” programs, with some of the items the Districts are doing to integrate working as a team.

Based on Mr. Bill Nicholson’s concerns, Mr. Cox would redact the changes in the first sentence of Item 10.

Mr. Cox would incorporate the changes discussed and provide clean and redline versions to Mr. Adams by the end of the week.

Ms. Gail Gravenhorst, a resident and PLCA Landscape Committee Member, stated that each PLCA Board Member desired working with the Districts. Despite the document changes or discussions at the August 19th meeting, they just want to prevent having issues like the Pennyroyal berm project within the community.

ELEVENTH ORDER OF BUSINESS

**Continued Discussion: CDD/PLCA
Landscape Maintenance Agreement**

This item was presented in conjunction with the Tenth Order of Business.

TWELFTH ORDER OF BUSINESS

Irrigation Reports

- A. High User**
 - i. Bayside Improvement CDD**
 - ii. Bay Creek CDD**
- B. Penalty Usage Summary**
 - i. Bayside Improvement CDD**
 - ii. Bay Creek CDD**

These reports were included for informational purposes.

- C. Zero Consumption**
 - i. Bayside Improvement CDD**
 - ii. Bay Creek CDD**

Mrs. Adams to obtain Zero Consumption Report from Mr. Kemp and distribute to the Boards.

BAYSIDE IMPROVEMENT ITEMS

THIRTEENTH ORDER OF BUSINESS

**Public Hearing on Adoption of the Fiscal
Year 2019/2020 Budget**

A. Proof/Affidavit of Publication

Mr. Cox stated that the proof of publication met the public hearing noticing criteria.

B. Consideration of Resolution 2019-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020; Authorizing Budget Amendments; and Providing an Effective Date

The Boards agreed to conduct the Public Hearings for both Districts simultaneously.

Mr. McCarthy opened the Public Hearings for both CDDs.

Ms. Gravenhorst indicated there were still plans to remove 40 trees using the Village of Estero's permit and asked that the Districts reinstate the funds they designated in the prior year's budget. Mr. McCarthy explained that those funds were still in the budget as unassigned and were still available to use.

Mr. McCarthy closed the Public Hearings for both CDDs.

Mr. Bill Nicholson suggested adding a new line item for training landscape staff, "training", to the budget and funding it with funds from various line items. Mr. Adams stated the training would cost about \$3,000 per annum; \$1,500 would be taken out of both the General Fund Phase 1 and The Colony General Fund to fund the new line item. A Horticulturalist would be engaged for group training on trimming soft woods and reviewing hardwood cuts; whether the Horticulturalist has a training manual and software program available would be determined.

Mr. Adams stated that he would tour the area to determine why the height of the bushes heading east on Pelican Nest Drive before the bridge ranged from 3' to 11' high.

Mr. McCarthy reviewed the proposed Fiscal Year 2020 assessments, which decreased slightly, compared to Fiscal Year 2019.

The following changes were made to the Fiscal Year 2020 budgets:

Pages 2 and 5, Under "Other Contractual- Horticulturalists": Insert "Training" line item for \$3,000

Mr. McCarthy presented Resolution 2019-06.

On MOTION for Bayside by Mr. Bill Nicholson and seconded by Mr. Crew, with all in favor, Resolution 2019-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020, as amended; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FOURTEENTH ORDER OF BUSINESS

Consideration of Resolution 2019-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; 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

Mr. McCarthy presented Resolution 2019-07.

On MOTION for Bayside by Mr. Jim Nicholson and seconded by Mr. Crew, with all in favor, Resolution 2019-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; 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.

BAY CREEK ITEMS

FIFTEENTH ORDER OF BUSINESS

Public Hearing on Adoption of the Fiscal Year 2019/2020 Budget

A. Proof/Affidavit of Publication

The proof of publication was provided for informational purposes.

B. Consideration of Resolution 2019-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020; Authorizing Budget Amendments; and Providing an Effective Date

The public hearing was held during the Thirteenth Order of Business.

Mr. McCarthy presented Resolution 2019-06.

On MOTION for Bay Creek by Mr. McBride and seconded by Mr. Travers, with all in favor, Resolution 2019-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2019, and Ending September 30, 2020, as amended; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

SIXTEENTH ORDER OF BUSINESS

Consideration of Resolution 2019-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; 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

Mr. McCarthy presented Resolution 2019-07.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. McBride, with all in favor, Resolution 2019-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2019/2020; 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.

JOINT BOARD ITEMS

SEVENTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2019

Mr. Adams presented the Unaudited Financial Statements as of July 31, 2019. He would study Bay Creek's user rates, as it was missing about 25% to 30%, which would result in an adjustment to revenue; he would present an update in October. The Financials were accepted.

EIGHTEENTH ORDER OF BUSINESS

Approval of Minutes [Both]

A. July 19, 2019 Joint Budget Workshop

B. July 22, 2019 Joint Regular Meeting

Mr. McCarthy presented the July 19, 2019 Joint Budget Workshop and July 22, 2019 Joint Regular Meeting Minutes.

On MOTION for Bayside by Mr. Jim Nicholson, and seconded by Mr. Bill Nicholson, with all in favor, the July 19, 2019 Joint Budget Workshop and July 22, 2019 Joint Regular Meeting Minutes, as amended to include any additional edits provided to District Management, were approved.

On MOTION for Bay Creek by Mr. McBride and seconded by Mr. Travers, with all in favor, the July 19, 2019 Joint Budget Workshop, as amended to include any additional edits provided to District Management, were approved.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. McBride, with all in favor, the July 22, 2019 Joint Regular Meeting Minutes, as amended to include any additional edits provided to District Management, were approved.

NINETEENTH ORDER OF BUSINESS

Action Items (Both)

Active/Ongoing – New Items 2, 3, 5, 7, 10, 13 and 15 were completed.

Items 1, 4, 6, 8, 9, 11, 12 and 14 remained ongoing and were moved to the Active/Ongoing Carry Over List.

Item 12, Active/Ongoing – New List: Revised action. Mr. Olson would obtain proposals for required cosmetic repairs to the Southbridge wall adjacent to Burnt Pine Drive at the Contractor’s recommendation, once they confirmed the damage was not structural.

Item 13, Active/Ongoing – New List: Action completed. New Item during the next storm event, Mr. Crew requested that Staff advise Mr. Kucera to monitor the drainage structure between the tee box at Hole #12 and the 16th green for possible flooding.

In response to the question of when MRI Underwater Specialists (MRI) would repair the storm sewer, Ms. McVay was directed to obtain scheduling information from the HOA President, since the HOA executed the contract. MRI was on site repairing other damages. Mrs. Adams would coordinate having the crushed stone stained or painted green to blend into the surrounding areas and those along the edge on the east side, adjacent to the residents property removed. Mr. Crew stated there were plans to install coquina shells in the drainage ditch rather than mulch. Ms. McVay stated the Schefflera plant, which she placed orange tape around, on the golf course needs to be removed, since it is not allowed in the community. Mrs.

Adams would remind the golf course to schedule the removal of the Schefflera plant with orange tape.

TWENTIETH ORDER OF BUSINESS

Old Business (Both)

Mr. Crew recalled requests at the last meeting to have the area along the South Bridge conservation area trimmed, as it blocks the view of the T1 canal. He toured the area with the Condominium Representatives and recommended they have the area surveyed to delineate their boundary line.

Mrs. Adams would coordinate with EarthBalance to treat and remove the vines overtaking the Cabbage Palms and Saw Palmettos adjacent to Creek Side Crossing and Lake T-1, and the Bay Creek traffic circle.

TWENTY-FIRST ORDER OF BUSINESS

Staff Reports (Both)

A. District Counsel: *Dan Cox, Esq.*

Mr. Cox discussed the South Florida Water Management District (SFWMD) workshop he attended regarding the City imposing a Stormwater Utility Fee on residents; three different product levels were proposed. On behalf of the Districts, he would attend the September 9th hearing before the Judge. Mr. Cox would forward the handouts from the Workshop and comments he was preparing to Mr. Adams for distribution.

B. District Manager: *Wrathell, Hunt and Associates, LLC*

i. Monthly Status Report: Field Operations

Mrs. Adams distributed the August 26, 2019 Monthly Status Report and noted that Mr. Kucera's Monthly Update and Mr. Kemp's Monthly Irrigation Report were included in the agenda package.

Mr. McCarthy stated that Mr. Kemp omitted the Zero Consumption Reports from the agenda. Mrs. Adams would provide to the Boards.

ii. NEXT MEETING: September 23, 2019 at 2:00 P.M.

The next meeting would be September 23, 2019 at 2:00 p.m.

TWENTY-SECOND ORDER OF BUSINESS

Supervisors' Requests

Mr. Crew stated he would be attending the next meeting via telephone.

Ms. McVay and Mr. Travers stated they most likely would attend the next meeting via telephone. Mr. Adams stated unless Mr. Janek attends the next meeting in person, Bay Creek would not have a quorum and would; therefore, not be able to take any action.

Mr. Jim Nicholson asked if the number of bails of mulch used could be compared with the previous year's amount, as he was concerned about exceeding budget because the cost of materials increased significantly. He witnessed that The Colony's contractor compiled pine straw on Spring Creek Road and laid down too big of an area along the golf course and in the banks of Ms. Gravenhorst's community. Mrs. Adams to coordinate with Mr. Kucera to compare the number of bails of mulch used against the previous year and advise not to mulch Spring Creek Road, moving forward. If the PLCA Board increased flower expenses it would allow the Districts to decrease costs. Ms. Gravenhorst stated the PLCA already signed a contract; however, they were looking into reducing the flower beds in certain locations, such as the area mentioned.

Ms. McVay stated she would forward the Naples Daily News article that suggested planting colorful foliage rather than flowers to Staff.

Mr. Travers stated Mr. Zimmerman scheduled a contractor to clean up debris on the other side of the golf course and north side of Pelican Nest Drive.

TWENTY-THIRD ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

Ms. Gravenhorst offered to share photographs of the areas where residents were unhappy with the aesthetics. She asked that the contractor re-trim the Pennyroyal berm to the way they decided and suggested Staff tour the community to better understand the inconsistencies and barren areas that the PLCA Board sees and the reasoning behind trying to pin down certain parts of the Agreement.

TWENTY-FOURTH ORDER OF BUSINESS

Adjournment [Both]

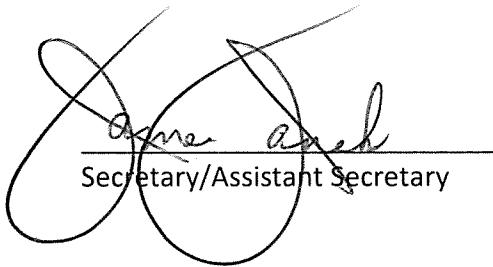
There being no further business to discuss, the meeting adjourned at 3:35 p.m.

FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair