

**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 a Joint Regular Meeting on February 24, 2020 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
Bill Nicholson	Assistant Secretary
James Nicholson	Assistant Secretary

For Bay Creek CDD:

Mary McVay	Chair
Robert Travers	Vice Chair
Donald J. McBride	Assistant Secretary
James Janek	Assistant Secretary
R. Gary Durney	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Dan Cox	District Counsel
Wes Kayne	District Engineer
Christina Kennedy	SOLitude Lake Management (SOLitude)
Bill Kurth	SOLitude Lake Management
Steve Backman	PLCA General Manager
Gail Gravenhorst	Resident/PLCA Landscape Committee
Bob Boyd	Horticulturist Florida Evergreen
Charlotte McCarthy	Resident
Andrew Osbourne	Resident
Richard Bereza	Resident

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FIRST ORDER OF BUSINESS

**Call to Order/Phone Silent Mode/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

For Bay Creek CDD, all Supervisors were present, in person. For Bayside Improvement CDD, all Supervisors were present, in person.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

There being no public comments at this time, the next item followed.

JOINT BOARD ITEMS

FOURTH ORDER OF BUSINESS

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

Mr. Kayne stated there was nothing new to report.

FIFTH ORDER OF BUSINESS

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

Ms. Kennedy presented the February 2020 Monthly Report and reported the following:

- Generally, the lakes were in good shape.
- Lakes requiring attention were detailed on Page 11 of the Report.
- Sawdust on Lake D1, possibly due to a stump removal, should be removed.

Mr. Kurth reported and responded to questions, as follows:

- Spring Sonar applications are usually planned for April.
- The grass carp permit was delayed because the Florida Fish and Wildlife Conservation Commission (FWC) required a permit from every subdivision.

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- Recent aquatic herbicide treatments for submersed weed growth, which preserves beneficial littoral plants and provides the same long-lasting results as Sonar, were successful and might be used to supplement Sonar treatments.
- Bacteria would be applied to help mitigate the nutrients in the pond in the roundabout by Bay Creek and Canoe Park, in the conservation area.
- A new bacteria trial for muck removal was underway. Four lakes were being studied and Lake E-5 could be added, at no charge to the CDDs, to include professional muck management, sampling from multiple sites and nutrient level monitoring.

Discussion ensued regarding the lakes and the possibility that new aerators may have contributed to significantly reducing the muck.

Mr. Cramer asked about the nanobubblers in Sandpiper Isle. Mrs. Adams stated that they were operational. Discussion ensued regarding trash in the lakes.

Mr. Andrew Osbourne, a resident, noted ongoing issues with Ponds E-1, E-2 and E-3. He discussed the equipment on the lakes and stated that the buildings on either side create a tunnel, which amplifies the noise and impacts the residents' quality of life. Discussion ensued regarding alternatives, including quieter equipment, moving or insulating equipment, beneficial vegetation versus herbicides, the lake management plan, etc.

Mr. Richard Bereza, a resident, agreed with Mr. Osbourne and expressed concern about killing plants and creating sludge rather than creating balanced ponds with littoral plants.

Mr. Kurth stated the nanobubblers were meant to improve water quality and reduce the need for chemicals. For decades, Lakes E-1, E-2, E-3, E-4 and E-5 have been the most problematic and, while some steps were taken to minimize the noise, more needed to be done. Discussion ensued regarding aeration, noise level, equipment location and possibly shutting down the aeration. Mr. Kurth stated all lakes have littoral plants but not to the ideal extent and the very resistant algae negatively impacted littoral plants. The goal was to have healthy water, with more littorals and less chemicals. He and Mrs. Adams would work to resolve the issue. Ms. McVay asked if more littoral plants should be installed. Mr. Kurth stated he would like the ponds stabilized first, as the plants may come back. Mr. McCarthy discussed the decision to install nanobubblers and stated they were supposed to have noise levels below 60 decibels and felt that taking decibel readings would be worthwhile. Mr. Kurth stated readings would be taken; the

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issue was likely a cumulative effect. Mr. Crew stated several other residents complained about the noise level and voiced his opinion that the issue needed to be solved this week or the equipment needed to be shut down and another solution found. Discussion ensued regarding which machines were causing an issue. Mrs. Adams stated the complaints related to both machines.

Mr. Ray Cramer, a resident, felt that the fountains were the source of the noise. Mr. Kurth stated the fountains were in for a long time but the complaints only began when the aeration was installed.

Mr. Crew suggested a propeller aerator which does not rely on compression. Mr. Kurth stated all options would be considered if SOLitude was unable to reduce the noise to acceptable levels quickly.

SIXTH ORDER OF BUSINESS

**Update/Discussion: Landscaping
Maintenance Agreement with PLCA**

Mr. Adams distributed the newest revised version of the Agreement. Supervisors should send their individual comments for inclusion in the final draft for presentation at the next meeting. No further meetings were scheduled with the PLCA, as all the major details were addressed. Mr. Backman expressed optimism and discussed the PLCA's changes to the agreement. Discussion ensued regarding the review and approval process, start date, etc.

SEVENTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Ms. Gail Gravenhorst, a resident and PLCA Landscape Committee Member, reported the following and responded to questions, as follows:

- The pergola was approved. Sunmasters would build and install it. A provision for lighting was made via connection to the canoe restroom building.
- Sculpture options were approved. Delivery was estimated to be four to six months from the order date. A connection to electricity would be needed for lighting.
- Spring Creek perimeter was planted. Once the pergola is installed, the area would be planted.

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➤ The quarterly landscape maintenance review was January 20th. Needs were identified and the CDD(s) agreed to rectify the issues. After reviewing and correcting the southern portions, funding would be depleted and the CDD(s) would expect the PLCA to cover the shortfall. The center fountain area needed care and, if completed during this budget cycle, a recommendation from JRL Design Studio (JRL) would be obtained.

➤ Remediation of the South Gate entrance was completed.

➤ JRL provided suggestions for the fountain area. No actions were taken pending identification and prioritization of other needs. Estimates were forthcoming.

➤ Annual flowers were selected for the May planting; the same flowers were selected as last year but in different colors. Placement would be considered. Flowers would not be installed at the gatehouse, due to summer construction.

➤ The CDD(s) met with JRL to determine the feasibility and timing of suggested layout changes for annuals. The Flower Committee would meet with the CDD(s) again in March.

➤ The CDD(s) were reminded of the importance of attending the monthly Landscape Committee meetings, as it has been a positive step forward for both parties.

➤ An accurate list of PLCA common areas was requested, as the current map was not dependable. The Committee would provide Mr. Tom Dryden with a list of additional areas of concern. Property ownership and responsibility was a concern to the PCLA Board. Monument refreshing and landscape changes required proper identification.

Ms. McVay asked about a large patch of mulch without plantings at the southern entrance. Mr. Adams stated that area and several bare medians would be addressed this week.

➤ The Landscape Architect submitted redesigns to beautify the entrance.

Mrs. Adams would send Ms. Gravenhorst's presentation to all Board Members.

Mr. Backmon stated the gatehouse design plans were posted on the website. For permitting purposes, modest landscaping was submitted; however, JRL would handle landscape design at all the gates. The plan was to start the second gatehouse before completing the first so that two gatehouses would be open at all times.

Mr. Crew asked about the Bay Cedar hedge. Mr. Adams stated he was working with two homeowners to address privacy concerns. Mr. McCarthy noted concern in Bay Cedar regarding the overall condition of the buffer and screening homes from the view of Spring Creek Park. Mr.

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Adams stated he was aware of two homeowners with concerns; he discussed the solutions, including planting clusia to replace the ficus damaged during Hurricane Irma.

Mr. Cramer asked if Ms. Gravenhorst was working with Mr. Adams on the sculpture power installation. Ms. Gravenhorst stated the low voltage installation for the pergola was not a responsibility of the CDD(s). Mr. Adams was aware of the requirements and stated the CDD(s) would manage installation of the dropdown transformer. Discussion ensued regarding installation, time frame, landscaping, renderings, etc.

B. Colony Landscape Committee

Ms. Gravenhorst reported the following:

- Regular reports on CDD activities were being received.
- Monthly meetings with Management, Committee members, a Supervisor and two Foundation Board members have resulted in a much better understanding.
- The Committee would meet with the Architect for the final conceptual plans on February 28th.
- At the last meeting, it was decided that non-project related areas that needed immediate attention should be addressed; the areas were identified, and work commenced.

EIGHTH ORDER OF BUSINESS

Update/Report: Landscape Maintenance Activities

Mr. Adams reported the following:

- At Mr. Boyd's suggestion, COMAND topdressing was being applied to address the turf issue in The Colony; treated areas would appear dark and be monitored and photographed weekly. COMAND may be considered as an annual topdressing throughout the community.
- Flowers in Phase I were generally under budget but The Colony would be over budget. The Colony Committee asked for funds budgeted for plant replacement be used to offset the shortage, as \$40,000 would not be needed for plant replacement.
- An area to the west of Addison needed to be replanted. Approximately \$6,000 of material would be delivered this week and installed next week.

Mr. Bill Nicholson asked if the budget should be adjusted. Mr. Adams stated the plant replacement and flower line items would be adjusted, going forward, as the unbudgeted holiday

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poinsettias that caused the overage were very well-received. Adjusting line items, budget amendments, etc., were discussed. A budget amendment may be necessary.

Ms. McVay expressed concern about the drains filling with leaves. Mr. Adams stated the street sweeper frequency would increase from two to three days per week starting February 25th.

Mr. Adams stated he attended a meeting regarding the comprehensive landscaping plan designed by JRL, which would address all the focal areas and entrances; work would commence in the spring. Measurements would be taken for items to be taken out and added in; overall, there may not be a significant increase or reduction in the flower quantity. Discussion of the redesign ensued related to moving flowers and plants, medians, ficus, turf installation, etc.

Mr. Jim Nicholson expressed concern that the same number of plants would be installed so far from the road that they would not be visible to prospective buyers driving along US 41. Discussion ensued regarding planned landscaping improvements, adding flowers, etc.

Mr. Crew noted an oak tree with a large dead limb hanging over the sidewalk near the water fountain. Mr. Adams stated he would inform Mr. Kucera.

Ms. McVay stated she placed orange tape on light poles inside Bay Creek. Mr. Adams stated he would inform Mr. Kucera and suggested emailing Mr. Kucera directly in the future for the quickest response.

NINTH ORDER OF BUSINESS**Continued Discussion/Update: City of
Bonita Springs Storm Water Utility Fees**

Mr. Cox stated his impression from a brief telephone conversation with Mr. Rooney, the City Attorney, was that meeting would not have been productive because the City had no sense of urgency. He would initiate the process so that a mediation date could be set.

Mr. Durney stated, during discussions between the CDDs and the City, it should be kept in mind that the CDDs would no longer be able to access federal funds for repair or replacement of damaged storm water facilities. He asked whether a maintenance agreement could be negotiated between the City and the CDDs so that the City could access federal funds for repairs following a declared disaster. Discussion ensued regarding the criteria for receiving federal funding and claim denials after Hurricane Irma. Mr. Durney stated the new Federal Emergency Management Agency (FEMA) guidelines were even more restrictive toward CDDs seeking federal

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funds for repairs; he felt that, without an agreement, it would be difficult to obtain reimbursement for emergency debris removal as the Districts had in the past.

Ms. McVay asked if the regulations changed since Hurricane Irma. Mr. Adams replied affirmatively and discussed the new criteria and stated, unless a means was found, the Districts may not be eligible for reimbursement of disaster recovery costs.

Mr. McCarthy felt that the CDDs' success in negotiating reduced storm water utility fees would further the argument that the Districts are providing a public service. He asked if the PLCA could obtain insurance coverage for debris removal. Mr. Adams stated it was expensive to purchase and the deductible would be so high that it was not mathematically feasible if an event occurred only once over a long period of time. As further review was needed, Mr. Adams would forward the document to Mr. Cox.

Mr. Janek asked if the CDDs cleaned up inside condominium neighborhoods during the last hurricane cleanup. Mr. Adams stated palm trees were trimmed but, in the single-family areas, only the common areas were addressed.

TENTH ORDER OF BUSINESS

Discussion: Bay Creek Tributary

Ms. McVay stated her neighbors were not pleased with the outcome of the work. Mr. Adams stated anything that impeded the flow of water was removed; a lot of material was removed and mangroves were pruned. Ms. McVay stated Mr. Darling complained that logs were floating in the water. She would send pictures to Mrs. Adams.

ELEVENTH ORDER OF BUSINESS

Discussion: Replacement of Dead Plant at Southern Entrance

This item was discussed during the Seventh Order of Business.

TWELFTH ORDER OF BUSINESS

Discussion: Spring Creek Hurricane Debris Removal Project

This item was discussed during the Tenth Order of Business.

THIRTEENTH ORDER OF BUSINESS

Irrigation Reports

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- A. High User**
 - I. Bayside Improvement CDD**
 - II. Bay Creek CDD**
- B. Penalty Usage Summary**
 - I. Bayside Improvement CDD**
 - II. Bay Creek CDD**
- C. Zero Consumption**
 - I. Bayside Improvement CDD**
 - II. Bay Creek CDD**

These reports were included for informational purposes.

FOURTEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of January 31, 2020**

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2020. “Legal notices and communications”, on Page 2, would be corrected to charge the expense only to Bay Creek, as the notice pertained to a change in the rate structure for Bay Creek irrigation. During budget season, “Roadway Services- Insurance” would need to true-up.

FIFTEENTH ORDER OF BUSINESS

**Approval of January 27, 2020 Joint Regular
Meeting Minutes (Both)**

Ms. McVay presented the January 27, 2020 Joint Regular Meeting Minutes. The following change was made:

Line 292: Change “Indian” to “Bonita”

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Bill Nicholson, with all in favor, the January 27, 2020 Joint Regular Meeting Minutes, as amended and to include any other edits provided to District Management, were approved.

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On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers with all in favor, the January 27, 2020 Joint Regular Meeting Minutes, as amended and to include any other edits provided to District Management, were approved.

SIXTEENTH ORDER OF BUSINESS

Action Items (Both)

Active/Ongoing New Items: Items 4, 5, 7, 8, 9 and 10 were completed.

Discussion ensued regarding Item 25, on the Active/Ongoing Carry Over Older Than Last Meeting list and maintenance of the gopher tortoise preserve area. Mr. Adams stated broken limbs could be removed; however, the permit does not allow for replanting.

SEVENTEENTH ORDER OF BUSINESS

Old Business (Both)

There being no old business the next item followed.

EIGHTEENTH ORDER OF BUSINESS

Staff Reports (Both)

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

Mr. Cox stated he was monitoring the legislative session.

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

Mr. Adams stated a request was received for a District representative to attend the PLCA's Annual Meeting on March 26th. Ms. McVay volunteered to attend and give an update about the CDDs.

I. Monthly Status Report: Field Operations

The February 24, 2020 Monthly Status Report was included for informational purposes.

II. NEXT MEETING DATE: March 23, 2020 at 2:00 P.M.

○ QUORUM CHECK – BAYSIDE IMPROVEMENT CDD

Supervisors Crew, McCarthy, Cramer and Bill Nicholson confirmed their attendance at the March 23, 2020 meeting.

○ QUORUM CHECK – BAY CREEK CDD

All Supervisors confirmed their attendance at the March 23, 2020 meeting.

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NINETEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Crew asked if the end of the March meeting would be an appropriate time for him to resign. Mr. Adams responded affirmatively and stated that Mr. Crew could participate in the entire meeting and resign at the end. Discussion ensued regarding advertising the upcoming vacancy. Mr. Adams would forward a notice regarding the upcoming vacant seat and submission deadline to Mr. Backman to e-blast to Bayside residents.

Mrs. Adams stated a plaque would be ordered.

Mr. Cramer stated that London Bay would make a community presentation at Estero High School on February 26th at 6:30 p.m. He felt it was important for Supervisors to attend. He expressed concern about the proposal to install three roundabouts on Coconut Road. The PLCA would hold the Butterfly Garden Grand Opening on March 20th.

Mr. Crew stated he would meet with the Southbridge Association on February 25th. There were invasive plants, including Brazilian Peppers and Carrotwoods in the preserve area. As the boundaries were not clear, he would inquire about sharing the cost to have the boundaries surveyed, so that invasives could be addressed.

Ms. McVay stated her neighbors believed they do not own the property up to the creek but that the CDD owns it. Discussion ensued regarding the property. Mr. Adams identified which areas were maintained by the District.

TWENTIETH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

Ms. Charlotte McCarthy, a resident, stated Mr. Crew attended the annual meeting to discuss the task force plan and thanked him for doing a wonderful job answering many questions relating to the CDDs. A community in Fort Myers conducted a survey about improving its landscape, etc., and one of the comments was, "More landscaping of the streets are needed. Take a look at Bonita Bay or Pelican Landing." Ms. McVay thanked her for passing that comment along as it was nice for the Districts' hard work to be acknowledged.

TWENTY-FIRST ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 4:20 p.m.

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FOR BAYSIDE IMPROVEMENT:

DocuSigned by:
Chuck Adams
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Secretary/Assistant Secretary

DocuSigned by:
Walter McCarthy
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Chair/Vice Chair

FOR BAY CREEK:

DocuSigned by:
Chuck Adams
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Secretary/Assistant Secretary

DocuSigned by:
Robert N. Travers
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Chair/Vice Chair