

**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, December 4, 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 (<i>via telephone & in person</i>)	Assistant Secretary

For Bay Creek CDD:

Mary McVay	Chair
Nelson Glueck	Vice Chair
James Janek	Assistant Secretary
Donald McBride	Assistant Secretary
Robert Travers	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Robert Rebey	Wrathell, Hunt and Associates
Dan Cox (<i>via telephone</i>)	District Counsel
Doug Tarn	District Engineer
Bill Kurth	LakeMasters Aquatic Weed Control, Inc.
Tim Denison	Johnson Engineering
Charles Whittington	Grant Fridkin Pearson, P.A., representing NCH Healthcare System
Marvin Hancock	Resident/PLCA Board
Gail Gravenhorst	Resident
Ann Cramer	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 McBride, Travers, Janek, McVay and Glueck were present, in person. For Bayside Improvement Community Development District, Supervisors McCarthy, Cramer, Crew and Jim Nicholson were present, in person. Supervisor Bill Nicholson was attending via telephone.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Crew, with all in favor, authorizing Supervisor Bill Nicholson's attendance and full participation, via telephone, due to exceptional circumstances, was approved.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

There being no public comments, the next item followed.

JOINT BOARD ITEMS

FOURTH ORDER OF BUSINESS

Staff Report: District Engineer (Both)

Mr. Tarn reported the following:

- Repair bids for the breaches in the berms and Heron Marsh's east berm were received and provided to Management this morning for consideration at the next meeting. He would verify that the contractors would hold their prices, since one bid was only good for 30 days; the pit contractor supplying the fill had a deadline on the prices.
- The topographic elevations of the west berm were obtained with GPS but not all could be done, due to the tree canopy so it must be completed with at least a two-man crew.
- Regarding the breach on US 41, just west of Coconut Road, part of US 41 is permitted to drain into the stormwater management system. He would research it to determine that the limits permitted are the way it was constructed.
- The sluice gate permit modification from the South Florida Water Management District (SFWMD) was almost complete; one outstanding issue was regarding the language.

FIFTH ORDER OF BUSINESS

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

Mr. Kurth reported the following:

- Water levels remained relatively high from the storms and some areas still have flow.
- Lake A-3 is still flowing into A-2, before it flows out of the property.
- Sonar treatments were not completed yet, since water levels were still too high. He presented a list of Sonar treatments in the last month; all treatments were normal for both Districts. Some residents were upset about the appearance of Lake F looked, due to the beneficial plant, Procopio; in most situations it does not become a problem.
- After catching up following the storms, he is on track and will email the list of the Sonar treated lakes to Mrs. Adams.

Mr. Cramer stated that debris in the lakes was reported. Mr. Adams replied that was not completed yet; estimates were being obtained.

Pursuant to a Board Member's request, Mr. Kurth would check the weir on Lake D-7 for potential blockages.

*****Mr. Bill Nicholson arrived at the meeting at approximately 2:22 p.m.*****

Mr. McCarthy inquired about Lake A-2, since the surface material was similar to the surface area on the lake in Murano. There was a significant amount of matter; it dissipated during the past month but a little remained in the corner of the lake. Mr. Kurth stated that, after inspecting the lake, his Assistant Manager, Mr. Jeff Beaver, told him the issue was resolved. This would be included in his email regarding which lakes were treated with Sonar.

SIXTH ORDER OF BUSINESS

Discussion: Annual Sediment Sampling Quality Monitoring Report

Mr. Denison presented the Annual Sediment Sampling Report. Johnson Engineering performed quarterly sampling of 10 lakes. Lakes A-2, A-17, D-8 and F-12 were considered problem lakes, due to phosphorous. Subsequently, over the past year, six additional lakes were identified for sampling consideration. The original 10 lakes were sampled the past four quarters and sampling of the bottom of those lakes and Lake E-1, were included in the Report.

Mr. Denison gave a slide presentation and discussed the findings from the annual sampling. In conclusion, the sediment samples from the lakes, with the exception of Lake B-15, showed sediment. Lakes A-2, A-11 and A-17 had the highest levels of nutrients and muck ranged from 1.5" to 20.5", throughout the lakes. Lakes D-8 and D-13, had moderate levels of nutrients. Most of the lakes had aeration but some did not, possibly Lake B-13.

Ms. McVay's observation was that most of the problem lakes were in the southern part of the CDD. Mr. Denison replied that it appeared that a few of the problematic lakes were along the water's edge, along Spring Creek.

Mr. Denison believed that a number of lakes had not been sampled and not all lakes have outfalls. He would consider the lakes with outfalls to be of highest importance, in terms of monitoring water quality. He explained that an outfall was a control structure.

Mr. Denison would email a copy of the lake results to Mr. Kurth.

Mr. Denison stated that the Districts were built many years ago. Some lakes were original and the build-up may be attributed to the age of the lakes. Outfall lakes are meant to be detention ponds and perhaps, when flowing downstream, water is being held at the last lake, causing more buildup.

Discussion ensued regarding the commonalities of the lakes, Mr. McCarthy's request to retest the muck, spikes in the testing data due to phosphates, seeking the golf course's cooperation with the lakes, access to the lakes through the golf course, underlying issues with the lakes and proactively addressing the issues, in lieu of just collecting information.

Moving forward, Mr. Denison would include the prior muck depths. In response to Mr. McCarthy's question, Mr. Denison stated that muck was measured from the middle of the lakes, not on the slope area.

Mr. Adams stated that getting the muck out would improve the health of the lakes and suggested a biogenerator system, since some of the lakes already had aeration, to ensure that those lakes received the proper amount of aeration. Improved aeration might be needed to improve and stabilize the dissolved oxygen (DO) levels. A biogenerator system would, on a daily basis, generate its own enzymes and bacteria and feed into the lake. This might be the most cost effective way to reduce the muck and avoid the expense and disruption of dredging the lakes.

Mr. McCarthy requested that Mr. Denison present his final report at the next meeting, with the additional information requested by Mr. McCarthy, and that Mr. Adams place this on January agenda and bring proposals for consideration.

Mr. Kurth stated that using socks for one year, to determine if there is a difference over one year, could be a good option. In his experience with socks used in other lakes, he observed inches of muck dissolved within one month. He described what "socks" are, how effective they could be and the results.

Mr. Kurth stated that SOLitude Lake Management is the new parent company, through a merger with LakeMasters Aquatic Weed Control, Inc. (LakeMasters), with plans to be a nationwide, aquatic weed control company.

*****Mr. Kurth left the meeting.*****

SEVENTH ORDER OF BUSINESS

Consideration of Agreement with Johnson Engineering for Renewal of Periodic Lake Health Testing for Fiscal Year 2018

Mr. Adams stated that this proposal was for continuance of the same testing program and recommended continuing sediment sampling, since it has an impact on the water quality; it is less about testing the water and more about testing the sediment and implementing measures to reduce the negative impacts of the sediment.

If the Board had no objections, Mr. Cramer wanted to defer this a month. His thinking was that, lakes with tested, sampled sediments, which show no issues, should be grouped with other lakes that were not been tested; to increase the range of the sampling. He thought that surface water sampling could be less frequent. The number of lakes tested for phosphorus and nitrogen could be expanded. This topic will be put onto the next agenda.

Mr. McVay wanted to look at the southern lakes, which appear to have many problems. Discussion ensued regarding which lakes should be inspected and treated with socks.

*****Mr. Denison left the meeting.*****

EIGHTH ORDER OF BUSINESS

Discussion: Treviso Wetland

Ms. McVay stated that this item was related to the wetland referenced in all the emails.

Mr. Adams stated that there was a cattail infestation, approximately two years ago, which exposed the soil. The area was replanted and the progress of those plantings was monitored. Periodically, people living in the high condos, are not satisfied with the appearance. Some native trees had fallen but are recovering nicely; it would be exceedingly costly to remove them. If they are removed and, because they are native plant materials, it may require a formal restoration and monitoring reporting program, which would be a five-year program. His inclination was to leave the trees. The planting contractor for the center portion would visit next Tuesday. Everything was pushed back due to the hurricane. As soon as received, the results of

the contractor's review would be circulated. The contractor would evaluate the plants, how they are coming in, the general health of the wetlands and will prepare a short report. One consideration would be to add this to the sediment program and pull a sample for levels of nitrogen and phosphorus in the wetlands, with a sample on the wetland and golf course sides to determine if there is a difference between the two sides.

Discussion ensued regarding the observations by the neighbors and their opinions, residents' lack of actual knowledge about the wetlands and native plantings, the impact on property values, the presence algae on the border of the golf course, algae flowing from the perimeters of the golf course during the storm, healthy wetlands, unequal plant growth in the wetlands and a concern that the test beds may not be representative of the survival rate of the plants in the entire wetlands area.

In response to a Board Member's question, Mr. Adams stated that the funds for the planting came from the General fund, as part of the overall "Water management" budget. The Board Member felt that consideration should be made for the costs come from General Fund 002, since this is a visual, esthetic and "health" wetland expense. Mr. Adams replied that he would have a conclusion on this, once the contractor completed her next review. He asked her to look at the overall wetlands area and not just focus on the plant beds, as he wanted to determine the type a success with those and if things were doing what they should be and if the losses were within tolerance. Mr. Adams wanted a general review without sampling the wetland to know if the plants were healthy or impacted by something. It is a preserve and a natural area and it is a matter of how much the Districts want to spend on that area. If the Colony wanted to contribute funds to improve their view, those funds could be accepted and used to develop a plan and implement.

In response to Ms. McVay's question, Mr. Adams stated that the comparison of this wetland, is Heron Marsh. Discussion ensued regarding the wetlands drying out, aerials from 1998 compared to now and virtually no difference visually, the presence of algae as an indication of a properly operating wetland, the same issues with preserve areas, obtaining facts, data and professional opinions for the high-rise condominium residents and restoring the wetlands with plantings.

Mr. Adams stated that the stump grinder was received last week; it would be a three or four month process. The major entrances would be completed first, followed by the arterial roads, neighborhoods, sidewalks and cul-de-sacs.

Mr. Adams met multiple times with the Federal Emergency Management Agency (FEMA) Grant Administrator and he has all the Districts' materials, with the exception of the forced labor spreadsheet, which reflects the District's in-house labor for the first 10 days, which will be sent to the FEMA Administrator, for reimbursement. The State of Florida established a 90% reimbursement window for Hurricane Irma for September 18 through October 17, 2017. After that, it returns to 75% reimbursement. It appeared that the Districts spent approximately \$400,000 to \$450,000 on clean up. Two very large trees were pulled out. Next would be the restoration phase, which would be left up to Mr. Michael Spencer and the PLCA Landscape Committee. Mr. Spencer should provide an inventory of the trees that did fall but were intended to be saved; he was trying to reduce the oak tree population. Mr. Spencer was trying to finish his plan and focus on this in the beginning of the new year. A second pickup truck was ordered.

Based on the check register, Mr. Cramer assumed that the \$400,000 to \$450,000 would be the Districts' portion of the uninsured asset for both Districts and wondered if the costs could be combined with what the PLCA has done with any of its damages, such as the generators.

Mr. Adams stated that it would be a community, financial impact.

Mr. Adams stated that mulching was underway; it was outsourced and should be completed within 10 days or less. The District was down to 11 employees. He would try to hire additional employees but the Boards might need to consider a slightly higher hourly pay rate.

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

Mr. Cramer stated that, at the last meeting, funds were approved to replace the sidewalks that were being flooded and he spoke to Mr. Bloom and Mr. Richardson about the Resolution made last week. Mr. Adams was supposed to notify these areas and encourage them to obtain a building permit, if necessary, so that the District did not run into additional conflicts or delays. If permits were not necessary and, in order to keep in line with the Resolution, he would work along with them. He knew that the CDDs removed the plantings along the areas but must remove the sidewalks and then install new material. If an Engineer were involved when

removing the sidewalks, gravel could be installed. Mr. Adams stated that they were talking about resetting the elevation of the planting beds so that runoff would enter, rather than go around; adding gravel enables percolation.

ELEVENTH ORDER OF BUSINESS**PLCA Landscape Committee Update**

Mr. McBride provided and presented the approved Community Landscaping Plan, prepared in August. The front and back of the page was all related to maintenance, with nothing new, and is not part of the Master Plan. This was not planned out yet but would be, in the near future. At the Landscape Committee meeting, on December 18, Mr. Spencer will present the Master Plan; he will have more input at the next Board meeting. Mr. Spencer reviewed the strip side areas inside the south gate and would make suggestions for plantings, other than sod, in all locations. Mrs. Adams stated that Mr. Spencer must hurry, since sod would be installed next week.

Mr. Marvin Hancock, a resident and PLCA Member, stated that, last Monday, the Landscaping Committee and four Board Members went on a bus tour of Wild Cat Run to view landscaping that Mr. Spencer had done. Mr. Spencer did a great job at Wild Cat Run.

Ms. Gail Gravenhorst, a resident and Landscape Committee Member, stated that she also took the tour. The CDDs might be interested in the 66% cost reduction for mulch that Wild Cat Run experienced. Mr. Spencer instructed the crews on how to trim some of the vegetation planted, in lieu of mulching, so that the berms would come down to the ground and not a much mulch would be necessary. When budgeting, in the spring, the CDDs should think about asking Mr. Spencer for recommendations to reduce the mulch budget, since the Districts spend \$65,000 to \$75,000 a year on mulch. Mr. McCarthy stated that this was discussed with Mr. Spencer and, as part of what he was doing, he would give a report on it but the Boards said they could not wait, as the appearance of the community was too important and people would not understand. This was discussed in the past. Ms. Gravenhorst replied that was why she said for the Fiscal Year 2019 budget.

Mr. Adams thought this was a good exercise and it could be organized after the holidays, as a workshop; no other business would be recorded and everyone could go on the bus tour. Mr. Cox had concerns with the bus tour idea and discussed other situations where there were Sunshine Law issues. Ms. McVay asked how they could tour the landscaping. Discussion ensued regarding gaining access to Wild Cat Run. Mrs. Adams stated that Board Members could

go on their own and call Mr. Spencer; no more than one Board Member from each Board should attend, at the same time. Mr. Hancock went to Wild Cat Run with Mr. Spencer and was invited in by the Board.

Discussion ensued regarding viewing Wild Cat Run, possibly obtaining a video, the benefit of viewing the Wild Cat Run preserve, etc. Mr. McBride would tour Wild Cat Run's preserve, on behalf of Bay Creek, and Mr. Jim Nicholson would tour it, on behalf of Bayside, together with Mr. Spencer. The Boards all agreed this could be done.

Mr. McBride discussed the Community Center Landscaping Plan, from August, 2017, which was approved by the PLCA. Nothing was done, due to the flood and the hurricane and he wanted to know if he could still proceed with this with Mr. Tarn. Mr. Adams suggested that Mr. McBride proceed after the holidays.

TWELFTH ORDER OF BUSINESS

Irrigation Reports (Both)

A. High User

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

In response to Mr. McCarthy's inquiry about the previous 264,000 gallon user, Mr. Adams stated that their consumption was down to 55,000 this month; if there was an issue, it was corrected. One person used 264,000 gallons, which cost about \$1,200. Mr. Adams stated that they did not ask for any relief and must have known there was an issue but got it under control. The reading last week was back down to 55,000; it was in Bayside.

B. Penalty Usage Summary

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

These items were provided for informational purposes.

C. Zero Consumption

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

It was noted that a couple of meters were replaced.

Ms. McVay reported that the billing was correct now, for Bay Creek after 5 months.

Mr. William Nicholson stated that, as a comment for Mr. Kemp, the supplement in the handout, where he resolves each of the meter issues and talks about the Resolution, is excellent and a great process.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2017

Mr. Adams presented the Unaudited Financial Statements as of October 31, 2017. Assessment revenue collections were at 0% and expenditures were at 3%.

Per Mr. McCarthy’s request, Mr. Adams would provide him with a copy of the Unaudited Financial Statements for the prior fiscal year, with journal entries and accruals.

FOURTEENTH ORDER OF BUSINESS

Approval of October 23, 2017 Joint Regular Meeting Minutes (Both)

Mr. McCarthy presented the October 23, 2017 Joint Regular Meeting Minutes and asked if there were any additions, deletions or corrections. Edits were previously submitted to the District Manager.

On MOTION for Bayside Improvement by Mr. McCarthy and seconded by Mr. Bill Nicholson, with all in favor, the October 23, 2017 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the October 23, 2017 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.

FIFTEENTH ORDER OF BUSINESS

Action Items (Both)

Items 6, 9, 11, 12, 13 and 14 were removed.

Ms. McVay wanted to add “Cleaning up Bay Creek”. Mrs. Adams replied that was being done next week; Ms. McVay should remind her neighbors of the hurricane that just hit.

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

Mr. Adams had one item for the Bayside Board to consider. The item would be presented after Bay Creek adjourned.

i. Monthly Status Report: Field Operations

Mrs. Adams had nothing additional to add to the Monthly Field Operations Report contained in the agenda.

ii. NEXT MEETING DATE: January 22, 2018 at 2:00 P.M.

The next meeting will be on January 22, 2018 at 2:00 p.m., at this location.

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

There being no public comments, the next item followed.

▪ **Adjournment (Bay Creek)**

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

There being no further business to discuss, Bay Creek CDD adjourned at approximately 4:00 p.m.

▪ **Bayside Easement and Access Agreement**

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

Mr. Adams stated that NCH Healthcare System (NCH) would be developing a parcel immediately south of the WCI office parcel and needed an easement across a strip of land owned by the District that is outside the right-of-way (ROW) and has the well field irrigation transmission line and a drainage line.

Mr. Charles Whittington, Grant Fridkin Pearson, P.A., representing NCH, stated that the Access and Easement Agreement had two parts. The first part was for access about 44' wide. The second part was pursuant to discussions with Bonita Springs Utilities (BSU), who wanted NCH to run its sanitary sewer line and connect it to the existing manhole within Walden Center Drive so that the southern portion will cross over; about 27' wide.

Mr. McCarthy asked what would be built. Mr. Whittington replied a two-story medical building, about 40,000 square feet in size. NCH plans to have medical offices, testing centers, etc., and it will be open 24/7. Mr. McCarthy stated that there were many questions from the adjacent property owners, along Pennyroyal Drive. Mr. Whittington clarified that, based upon a comparable facility in North Naples, about two ambulances every several weeks and one approximately every 40 days, between the hours of 11:00 p.m., and 7:00 a.m., were anticipated; it would not be a very lively facility at night but must be operational 24/7, pursuant to Deferred Action for Childhood Arrival (DACA) Guidelines.

Discussion ensued regarding the location, resident concerns, zoning, FPL transmission lines, parking, ambulance access, the existing ROW, potential added value to the community, NCH not being able to build without the access and NCH having find another location, if the Board refused the Easement request.

Discussion ensued regarding whether there was any reason to deny the request, the amount of activity at the facility, edits to the Easement Agreement, requiring pavement markings for pedestrian crossings, continuing the sidewalk to the access point, installing in a new crosswalk and connecting through to the facility's door.

Mr. McCarthy stated that the Easement Access Agreement will be approved subject to a continuing sidewalk to the crosswalk to the access point, a crosswalk to the designation to the sidewalk on the west side of Walden Center Drive, a continuous sidewalk from Walden Center Drive to the front door of the new facility, and an extension, if necessary, from the existing point, provided the sidewalk is continuous.

Mr. McCarthy asked that he and the Board be copied on the final Development Order Plans.

On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. William Nicholson, with all in favor, the Bayside Easement and Access Agreement, subject to including a continuing sidewalk to the crosswalk to the access point; a crosswalk to the designation to the sidewalk on the west side of Walden Center Drive; a continuous sidewalk from Walden Center Drive to the front door of the new facility; an extension may be necessary from the existing point so long as the sidewalk is continuous, was approved.

NINETEENTH ORDER OF BUSINESS

Adjournment (Both)

There being no further business to discuss, Bayside CDD adjourned at approximately 4:18 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