

**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, May 21, 2018 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
William J. Nicholson	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
Jason Olson	Assistant Regional Manager
Dan Cox ( <i>via telephone</i> )	District Counsel
Carl Barraco ( <i>via telephone</i> )	District Engineer
Bill Kurth	SOLitude Lake Management
Gail Gravenhorst	Resident/Landscape Subcommittee
Jack Lienesch	Resident/Chair of Landscape Subcommittee
Marvin Hancock	Resident/PLCA Board

**FIRST ORDER OF BUSINESS**

**Call to Order/Pledge of Allegiance**

Mr. McCarthy called the meeting to order at 2:00 p.m.

All present recited the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS**

**Roll Call**

Mr. McCarthy asked the Supervisors to state their names. For Bay Creek Community Development District, Supervisors McBride, Travers, Janek, Glueck and McVay were present, in person. For Bayside Improvement Community Development District, Supervisors McCarthy, Cramer, Crew, Jim Nicholson and Bill Nicholson were present, in person.

**THIRD ORDER OF BUSINESS**

**Public Comments: *Agenda Items***

Mr. McCarthy asked to move Item #9 to the end of the agenda as it relates to the Bayside CDD only item and to allow Bay Creek to adjourn.

**JOINT BOARD ITEMS**

**FOURTH ORDER OF BUSINESS**

**Staff Report: District Engineer: *Barraco & Associates, Inc. (Both)***

There being no report, the next item followed.

**FIFTH ORDER OF BUSINESS**

**Lake Maintenance Report: *SOLitude Lake Management (Both)***

Mr. Kurth reported the following:

- The rainy season had a healing effect and beautified the community.
- The lakes looked very good, with no algae issues.
- Crewmen were working diligently to maintain and remove shoreline weeds.
- Lake F8 was raked for algae.
- Nano-bubble aeration, a different form of aeration used to remove heavy metals from effluents where oxygen is infused throughout the entire lake; will be employed in Lake 18 for a 60-day trial period.

Mr. Jack Lienesch, a resident and the Landscape Subcommittee Chair, asked about the process. Mr. Kurth stated that the process entails pumping the water out of the lake and then back in; the bubbles do not rise to the surface and never leave but oxygen remains throughout the entire water column. The system can run for several days and provide benefits for months. In response to a question, Mr. Kurth confirmed that the process would be used on Lake F-16 because typical aeration did not work well in that lake, as it is too shallow.

**SIXTH ORDER OF BUSINESS**

**Update: Hurricane Irma Recovery**

Mr. Adams stated that there were no additional requests for information from the Federal Emergency Management Agency (FEMA) and the CDD was in the queue, along with many other applicants. Mr. McCarthy requested that Management email Board Members with news received between meetings. Ms. McVay stated that areas in Bay Creek still needed to be cleaned up and agreed to discuss this with Mr. Adams. Mr. Cramer asked for an overview of a recent article in the local newspaper regarding the Village Council's request for additional support from the South Florida Water Management District (SFWMD). Mr. McCarthy stated that the SFWMD agreed to take over the maintenance of major tributaries, including tree and vegetation removal but not silt removal, which was a major point of discussion between the Village Council and the SFWMD representative. He stated that Mr. Adams circulated a copy of Johnson Engineering's Report regarding several of the basins in Unincorporated Lee County. The summary emphasized the significant amount of silt in the water bodies, which must be addressed. Mr. Adams stated that silt was an area of high concern in the region and one of the exciting things about the SFWMD's involvement is that local taxpayers will see the return on their tax dollars and silt removal could be the next phase in the project. Discussion ensued regarding dredging, permits and the SFWMD.

**SEVENTH ORDER OF BUSINESS**

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

Mr. Adams stated that there were no additional developments; updates would be provided as received. In response to Mr. Adams' question, Mr. Cox stated that the City had not responded to his letter. Mr. Crew stated that the Board might receive feedback from Mr. Hancock and, as there may be confusion among the PLCA Board Members that the District might be considering lake dredging, the CDD should clarify that it has no plans for lake dredging and that the lake does not need to be dredged. Mr. Adams stated that, in an attempt to avoid dredging, the CDDs utilize aeration and biotech methods. A Board Member stated that The Colony planned to resurface and construct new courts this summer and should provide documentation regarding not needing a permit. Mr. Adams stated that, as Mr. McCarthy pointed out, there is no cross-section for between the courts and how to handle that.

**EIGHTH ORDER OF BUSINESS**

**Updates: PLCA Landscape Committee**

Mr. Lienesch provided the following update:

- A joint meeting was held on April 30. It was attended by eight Bayside/Bay Creek Board Members and six PLCA Board Members.
- It was believed that there is confusion in the minutes regarding the Sanctuary, boundaries, land ownership and maintenance. Mrs. Adams indicated that the draft minutes he is referring to were not written by the District.

Mr. Cox stated that property owners in the Sanctuary own to the roadway and the CDD has a 30' landscape easement that it is responsible for maintaining.

- The PLCA Board would like to make improvements on the road but lacked the authority.
- Mr. Lienesch met with Mr. Paul Kemp and examined areas in need of repair on the lake side of Pennyroyal berm and the demolition area at the South Gate.
- Mr. Spencer is marking trees throughout the property, per the CDDs' requests.

Mr. Jim Nicholson asked about the tree flagging process. Mr. Adams indicated that the time frame would be mid-June. Mr. McCarthy stated that the Village of Estero has a provision whereby trees cannot be removed without a permit. Discussion ensued regarding tree species, the replacement program, land development codes and the PLCA's plant installation project. In response to Mr. Bill Nicholson's question, Mr. Lienesch stated that the project schedule will be available within the next few weeks.

**NINTH ORDER OF BUSINESS**

**Discussion: Colony Landscape Program**

This item was moved to the end of the agenda.

**TENTH ORDER OF BUSINESS**

**Irrigation Reports (Both)**

**A. High User**

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

Mr. Crew stated that a number of Heron Point residents reported broken irrigation systems; Staff should contact the HOAs in that regard.

**B. Penalty Usage Summary**

- i. Bayside Improvement CDD**

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

In response to Mr. Glueck’s inquiry regarding a meter, Mr. Adams stated that the 3” meter is still pending and Management would check with the contractor and provide an update.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolutions Approving the Districts’ Proposed Budgets for Fiscal Year 2018/2019 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing An Effective Date**

**A. Resolution 2018-02, *Bayside Improvement Community Development District***

Mr. McCarthy presented Resolution 2018-02. The public hearing is set for August 27, 2018 and a budget workshop is scheduled for July 20, 2018 at 9:00 a.m. For quorum purposes, Mr. Adams will conduct a quorum check at the July meeting and every week thereafter.

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Bill Nicholson, Resolution 2018-02, Approving the Districts’ Proposed Budgets for Fiscal Year 2018/2019 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 27, 2018 at 2:00 p.m., at this location; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing An Effective Date, was adopted.**

**B. Resolution 2018-02, *Bay Creek Community Development District***

**On MOTION for Bay Creek by Mr. Glueck and seconded by Mr. Janek, Resolution 2018-02, Approving the Districts’ Proposed Budgets for Fiscal Year 2018/2019 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 27, 2018 at 2:00 p.m., at this location; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing An Effective Date, was adopted.**

**TWELFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of April 30, 2018**

Mr. Adams presented the Unaudited Financial Statements as of April 30, 2018. Assessment revenue collections were at 97%. The financials were accepted.

**THIRTEENTH ORDER OF BUSINESS**

**Approval of Minutes (Both)**

**A. April 30, 2018 Joint Workshop**

Mr. McCarthy presented the April 30, 2018 Joint Workshop Meeting Minutes and asked for any additions, deletions or corrections. Edits were submitted to the District Manager.

**On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Glueck, with all in favor, the April 30, 2018 Joint Workshop Meeting Minutes, as amended to include edits provided to District Management, were approved.**

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Mr. Crew, with all in favor, the April 30, 2018 Joint Workshop Meeting Minutes, as amended to include edits provided to District Management, were approved.**

**B. April 30, 2018 Joint Regular Meeting**

Mr. McCarthy presented the April 30, 2018 Joint Regular Meeting Minutes and asked for any additions, deletions or corrections. Edits were submitted to the District Manager.

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the April 30, 2018 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.**

**On MOTION for Bayside Improvement by Mr. Bill Nicholson and seconded by Mr. Jim Nicholson, with all in favor, the April 30, 2018 Joint Regular Meeting Minutes, as amended to include edits provided to District Management, were approved.**

**FOURTEENTH ORDER OF BUSINESS**

**Action Items (Both)**

Items 2, 9, 11, 13, 14 and 16 were completed.

Items 1, 4, 5, 6, 7, 8, 10, 12 and 15 remained ongoing.

Item 3: Mr. McCarthy stated that the PLCA should notify residents instead of it stating that District Staff would notify residents. Item 3 was removed, as it corresponded with Item 8.

Item 15: Mr. Crew directed Staff to have Mr. Kucera contact him directly.

Item 16: Mrs. Adams stated that the PLCA would handle it. Mr. Hancock stated that it was completed.

**FIFTEENTH ORDER OF BUSINESS**

**Old Business (Both)**

In response to Mr. Bill Nicholson’s question regarding receiving a response from the City, Mr. Cox stated that the letter was forwarded less than a month ago but he would follow up with the City Attorney and provide an update.

In response to Ms. McVay’s question, Mrs. Adams stated that the mangroves on Bay Creek were trimmed in the January/February time frame, and per the permit can only be trimmed once per year.

**SIXTEENTH ORDER OF BUSINESS**

**Staff Reports (Both)**

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

There being no report, the next item followed.

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

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

Mrs. Adams presented the May 21, 2018 Monthly Status Report and highlighted the following items:

- The catch basins, interconnect pipes and outfall structures were recently inspected; cleaning is scheduled to commence the first part of July.
- The Inspection Report will be circulated.

Mr. McCarthy stated that the catch basins, on Coconut Road between Walden Center Drive and US41, surged during the storm and asked Staff to alert the Village.

**ii. NEXT MEETING DATE: June 25, 2018 at 2:00 P.M**

The next meeting will be on June 25, 2018 at 2:00 p.m., at this location.

**SEVENTEENTH ORDER OF BUSINESS      Supervisor Requests**

Mr. Cramer asked Mr. Adams to secure a video copy of the last Workshop Meeting that was filmed by the Community Manager so that it could be available to Board Members.

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

Mrs. Gail Gravenhorst, a resident, circulated photographs of Spring Creek Road and stated that, during the hurricane, the fence was broken and has since been repaired; however, a lot of shrubbery that served as a screen or buffer was removed and homeowners want their privacy back. The Country Club removed vegetation as well, while working on a pump. She appealed to the CDD Boards to help restore the shrubbery and vegetation along Spring Creek Road. Mrs. Adams concurred that shrubs should be replaced along the fence and would relay that information to Mr. Kucera.

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

Bay Creek adjourned at approximately 3:08 p.m.

▪ **Discussion: Colony Landscape Program**

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

Mrs. Gravenhorst thanked Staff for their efforts replacing 34 trees in the Colony that were removed after the hurricane. The trees were being delivered and are scheduled to be planted by Friday. Mrs. Adams compiled an updated restoration project list that she will circulate to the Bayside Board.

Mr. Bill Nicholson asked for this item to be placed on the agenda because, at the last few CRC meetings at the Colony, there was discussion about the amount of restorative landscaping being installed or damaged landscaping being replaced in areas between sidewalks and curbs where the grass died or is not thriving. The CRC Board Members and meeting attendees want the gaps in landscaping addressed sooner, rather than later. Mrs. Adams stated that it was previously agreed upon to complete the first restoration phase, which commenced in January, including new plantings and sod replacement, and then conduct a review and identify CDD areas that still need to be addressed. Mr. Bill Nicholson stated that the consensus around the community was that anything green is the CDD's responsibility and it was important to distinguish what is and is not the CDD's responsibility. Ms. Gravenhorst stated that there was



not enough communication among residents and that the Colony residents would welcome professional help in order to reach an agreement. Discussion ensued regarding the landscape issue in the Colony, flowers, hedges, turf, levying assessments and developing a plan. Mr. McCarthy stated that this was a perfect time to address the landscaping issue, as budget season was approaching, and urged everyone to coordinate their efforts to improve the community and complete the project. As to comments made that the CDDs did not have fiscal transparency, he reminded everyone in attendance that the CDDs are as transparent as they could possibly be. All financial statements are published monthly and uploaded onto the website, along with the agendas, including balance sheets, operating statements and every check that the CDDs disburse; therefore, there is total transparency. Mr. Crew stated that the Colony is another HOA, within Pelican Landing, and that HOA is in control of every element of the landscaping; therefore, those in attendance today should convey that to the Colony residents.


Mr. William Nicholson stated that there was a lot of email activity between the Property Manager in Florencia, various people in the CDD and himself regarding enrollment in the flower program. He asked who would be responsible for what activities, if the Florencia community was to enroll and proceed with that type of project. Mr. Adams stated that the policy to opt in is to pay \$150 per flower bed to transition control of the water to the flower beds over to the CDD so that the CDD would have control to install flowers, utilizing water from the area. In this particular case, there is no water available in the area so the price increased from a few hundred dollars to a few thousand dollars. This is an anomaly and it is up to the Board to decide how to proceed. He voiced his opinion that the CDD not burden the taxpayers. Discussion ensued regarding who should absorb the additional cost, irrigation control lines and the Florencia entryway and shrub removal.

With regard to the Treviso community, Mr. Adams recalled that 60% of the trees on the CDD side of the preserves were damaged from Hurricane Irma and he was informed by SFWMD representatives that the trees downed in the preserve should be removed by the CDDs, if they were to be removed. He responded that, since the CDDs were not required to remove the trees, there was no plan to do so, unless Treviso wanted them removed and would pay for it. After further consideration, all parties agreed to wait and see how the trees flush out. The same approach will be applied to Florencia; if they would like the downed trees in the preserve removed, Management could secure a proposal and the CDDs would administer the contract to

remove them only after receiving payment from Florencia. In response to a question, Mr. Adams stated that there is no requirement to replant. Further discussion ensued.


There being no further business to discuss, the meeting adjourned at 3:40 p.m.


**FOR BAYSIDE IMPROVEMENT:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair