

**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 Monday, February 25, 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
William J. Nicholson	Assistant Secretary

For Bay Creek CDD:

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

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Jason Olson	Assistant Regional Manager
Dan Cox	District Counsel
Carl Barraco	District Engineer
Bill Kurth	SOLitude Lake Management
Tom Denisen	Johnson Engineering
Barbara Craig	Resident

FIRST ORDER OF BUSINESS

Call to Order/Phone Silent Mode/Pledge of Allegiance

Ms. McVay called the meeting to order at 2:05 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 McVay, Glueck, Travers, McBride and Janek were present, in person. For Bayside Improvement Community Development District, Supervisors Cramer, Bill Nicholson, Jim Nicholson, Crew and McCarthy were present, in person.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

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

BAYSIDE IMPROVEMENT CDD ITEMS

FOURTH ORDER OF BUSINESS

**Consideration of Irrigation Variance
Request – 3500 Lakemont Drive**

Mr. McCarthy presented a Request for Variance for Irrigation Water for 3500 Lakemont Drive. Mr. Adams stated that the irrigation rules allow for this. He explained how the irrigation billing rates were determined. In this case, this address is in what is referred to as a 5003 category, which is for 36,000 gallons per month for properties up to 20,000 gross square feet. The gross square footage on the property is approximately 24,700; therefore, the recommendation was to move it to the 5004 category, which is for a monthly allocation of 48,000 gallons for properties that exceed 20,000 gross square footage. Discussion ensued regarding the property owner's consumption history and the irrigation rules. Mr. Crew stated that the homeowner was relatively new to the property and recently upgraded the landscaping. Mr. McCarthy suggested approval of the request, with the findings required in Section 1.03.3 of the District's rules.

On MOTION by Mr. Crew and seconded by Mr. Jim Nicholson, with all in favor, the Irrigation Variance Request for 3500 Lakemont Drive, in accordance with the findings required in Section 1.03.3 of the District's rules, was approved.

JOINT BOARD ITEMS

FIFTH ORDER OF BUSINESS

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

Mr. Barraco provided an update on the turnover of the Treviso Partial Water Management System and highlighted the following:

- The system was complete and was certified to the South Florida Water Management District (SFWMD), by Treviso's Engineer; the SFWMD accepted the certification.
- An independent analysis was performed and everything was found to be in compliance; he recommended the Boards' acceptance for ownership, operation and maintenance.
- The system has an internal component, which will not be the CDDs' responsibility, and external components, which are part of the overall water management system that would be appropriate for the Districts to accept.
- Past flooding issues in Treviso's elevator shaft were determined to be an internal issue and Mr. Barraco asserted, on the record, in case there is ever an issue, that his firm examined it and is explicitly not accepting it for maintenance.
- While inspecting the flooding, the Association asked Staff to remedy or improve the situation. Staff informed the Association that they could only advise them on how to improve their system, with the Boards' approval, with the caveat that, if there is ever a dispute, the only group that Barraco & Associates would represent would be the CDDs.
- The elevations increased slightly because of shifting and debris dying but it will only take a minimal effort to increase the efficiency of the system. In conferring with the manager and, as a maintenance item, it may be appropriate for the CDDs to direct a contractor to clean and make slight grading adjustments; this was classified as a maintenance item.

Referencing a map, Mr. Adams explained the flow of Treviso, how it interconnects with other lakes and how it goes through a control structure. Any debris in the area may create issues with the sheet flow through the preserve, outfalls and to the west into Estero Bay. Ms. McVay asked if this item was discussed at a previous meeting. Mr. Barraco stated that the water from the roof goes into a box, the water from the elevator shaft goes in the same box and the water from the roof has a lot of head or elevation on it. An easy fix would be to separate the water, allowing it to go into two different paths. Mr. McCarthy felt it appropriate to include the acceptance for maintenance issue as an agenda item for the next meeting, so that there is adequate public notice; he preferred that the District Engineer not represent the Districts and its constituent, as it invites a potential for future conflict. Discussion ensued regarding sheet flow, maintenance responsibility and the District Engineer representing the

CDDs and the Association, simultaneously. Mr. Cox stated, under the rules of professional conduct, Mr. Barraco could represent both entities, since he asserted that, if an unexpected conflict occurs, he would disassociate himself with that community and represent the Districts and, as long as both clients consent, in writing; the District Engineer's rules are similar to that of District Counsel. Mr. Barraco stated that conflicts would be unlikely but, if an issue arises between the Districts and that Association, his firm would support the CDDs.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Bill Nicholson, with three Board Members in favor and Mr. McCarthy and two Board Members dissenting, allowing Mr. Barraco to work with the Treviso Community, was approved. (Motion passed 3-2)

SIXTH ORDER OF BUSINESS

Lake Maintenance Report: SOLitude Lake Management (Both)

Mr. Kurth reported the following regarding resistant forms of algae:

- He recently attended lectures about probiotics for lakes and bacteria etc.
- He has approved outraking Lake E-5, which is scheduled for today, followed by Lake E-4, the neighboring lake.
- Lakes A-18 through E-5 have been more problematic than any stretch of lakes within the community for the last several years.
- SOLitude dealt with multiple issues, including concerns about runoff from the golf course and maintenance facilities.
- He will not discuss the causes but wants to review solutions for resistant algae growth and sheet forming bacteria in certain areas that are very difficult to control.
- SOLitude has used bacteria and other methods to combat algae but the nano-bubble machine, installed in Lake A-18, was the most effective.
- After several months, the machine was deactivated and moved from Lake A-18 to Lake E-3, which was problematic and was raked a few times.
- Lake E-3 is currently spotless.
- SOLitude is fully confident in the nano-bubble technology and suggests that the Boards consider installing devices in all six lakes and a few outlying lakes that are also problematic.

➤ The cost of the machine is over \$25,000. SOLitude is setting up a program to include maintaining the previously-installed devices, as part of the monthly service to its customers, and has devised a business plan for clients that want to pay for an upscale service level; however, it was realized that it was bidding on inconsistent bid specifications so splitting the initial costs in half would be considered.

➤ In the long term, the lakes would be greatly improved and the next time SOLitude went out to bid, it might be at the point to bid significantly less, enough where the Districts could cover the costs of purchasing the nano-bubble machines.

➤ Since the devices were installed in Lakes A-18 and Lake E-3, SOLitude has completely ceased algaecide treatments to prove that the machines work and not treating with algaecides has real environmental benefits.

The Boards and Staff discussed cost and investing in the nano-technology in the future and lake size. Mr. Bill Nicholson requested an update on the grass carp permit. Mr. Kurth would check provide an answer at the next meeting.

SEVENTH ORDER OF BUSINESS

**Presentation: 2018 Water Quality
Monitoring Report**

Mr. Tim Denisen, of Johnson Engineering, presented the 2018 Water Quality Monitoring Report, reviewed the Laboratory Analytical Results and Field and Sediment Data for Lakes A-2, A-17, D-8 and F-12 and highlighted the following:

➤ At the Boards' request, one water quality and one sediment sample were collected from the bottom of each of those lakes, during the wet season.

➤ Results from the surface water sampling event during the 2018 wet season showed that all the ponds sampled had elevated nutrient levels.

➤ There was a reduction in the muck layer at the bottom of Lakes D-8 and F-12, in 2018, which was attributable to the Districts' aeration system.

In response to a question regarding which lakes have aeration, Mr. Denisen stated Lakes A-2, A-17 and F-12. Mr. Denisen concluded that, as to the water quality, there are elevated levels of nitrogen and phosphorus in all four lakes, which is a concern. He believed that the lakes should be examined annually, at a minimum, to see if the situation persists. Discussion ensued regarding the muck layer in Spring Creek, the causes of muck, elevated levels of

nitrogen and phosphorus, aeration and educating property owners on this issue. Mr. Kurth commented that, typically, muck never goes backwards but SOLitude reduced muck in two lakes and it might be better for Johnson Engineering to do quarterly reports, to get an idea from different times of the year, as opposed to just the wet season. In response to Mr. Bill Nicholson's question, Mr. Kurth stated that the nitrogen level in the lakes were 1.75 or 2.25 and the desired number was 1.27. The phosphorus levels were at .08 and .16 and the desired level was .05. Mr. McCarthy conducted tests on the lakes for a seven-year period and stated that Lake A-2 has always been high in nitrogen and oscillating in phosphorus more so than nitrogen. He has lived on Lake A-2 for 26 years and, for 26 years, he complained about the way the discharges are made into the lakes, particularly the grass clippings. In recent times, the golf course has been better but far from 100%. Mr. Adams stated that these are stormwater ponds, which are designed to receive impurities that are runoff from storm events and hold them on the property for pre-treatment, until ultimately discharging to downstream waters like Estero Bay. Mr. Denisen stated the CDDs are not impacting anything downstream, which is what the stormwater ponds are designed to do, so it is only during the time that water is discharging and only the water itself that is being discharged that could be brought to the CDDs' attention as causing some change to downstream water levels. Mr. Crew stated that, first, the actionable item that the Department of Environmental Protection (DEP) has put on Spring Creek is bacterial and, secondly, he is on the greens committee of the Pelican Nest Golf Course and is willing to request documentation from the superintendent regarding the type of fertilizer application, frequency and timing, to acquire baseline information. Ms. McVay asked if the fresh lake criteria in the report are for just the State of Florida or the entire United States. Mr. Denisen replied that it is from the Florida Department of Environmental Protection (FDEP); the peninsula region. Mr. Crew felt that the Boards should be prudent and continue monitoring the trends in the lakes and collect background information, as he previously mentioned.

EIGHTH ORDER OF BUSINESS

**Consideration of Water Quality and Muck
Monitoring Proposal for 2019 *(to be
provided under separate cover)***

This item was deferred to the March meeting.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, deferring this item to the March meeting, was approved.

On MOTION for Bayside by Mr. Walter McCarthy and seconded by Mr. Crew, with all in favor, deferring this item to the March meeting, was approved.

Mr. Glueck left the meeting.

NINTH ORDER OF BUSINESS

Update: PLCA Landscape Committee (PL Phase 1)

Ms. Barbara Craig, a resident, commented that the Boards and the PLCA have very different approaches to environmental issues and the State had very little to almost non-existent enforcement of some water quality standards, which is changing. Now there is a prolonged impetus on what happens between green and red algae and all the other problems that are connected to phosphorus and nitrogen in the water. The Boards should not be complacent and residents should pay close attention to the water quality that flows from their properties, as the State is now looking at enforcement. She commented on the current confrontational relationship between the Pelican Landing HOA Board and the CDDs and stated that very few people in Pelican Landing have the slightest idea of what the CDDs are and there is a need for to educate the community. She concluded that the CDDs and the HOA should have a mutual cooperation relationship because those entities represent the same people. The CDDs have the legal authority and responsibility to make decisions but the HOA has no power over the CDDs. She advocated the formation of a system to educate residents. Ms. McVay stated that Management is preparing a brochure on this topic and she and other volunteers would ensure that it is distributed to all residents.

Mr. Jim Nicholson stated that, out of seven Landscape Architect candidates, the Landscape Committee voted to send JRL to the PLCA Board for approval and their engagement was approved as well as a comprehensive landscape proposal in the amount of \$12,000. The Committee started working on the CDD Maintenance contract and he recommended that the Boards start working on the Maintenance Contract by the next meeting. The Committee will hold a second meeting this Friday on the Landscape contract.

TWELFTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of January 31, 2019**

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2019 and reviewed a reconciliation of the Hurricane Irma recovery funds. Ms. McVay asked Mr. Adams to distribute copies of the reconciliation to all Board Members. Mr. Adams circulated a newsletter that he created, which included an introduction to the Districts and the services provided by the Districts and asked that all comments be submitted to him so that he can produce a final version. The financials were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of Minutes (Both)

A. January 28, 2019 Workshop

Ms. McVay presented the January 28, 2019 Workshop Minutes.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Bill Nicholson, with all in favor, the January 28, 2019 Workshop, as amended to include any edits provided to District Management, were approved.

B. January 28, 2019 Joint Regular Meeting

Ms. McVay presented the January 28, 2019 Joint Regular Meeting Minutes. The following changes were made:

Line 250: Insert "year" after "full"

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Crew, with all in favor, the January 28, 2019 Joint Regular Meeting Minutes, as amended and 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 January 28, 2019 Joint Regular Meeting Minutes, as amended and to include any additional edits provided to District Management, were approved.

FOURTEENTH ORDER OF BUSINESS

Action Items (Both)

This item was deferred to the next meeting.

FIFTEENTH ORDER OF BUSINESS

Old Business (Both)

This item was not addressed.

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

This item was not addressed.

ii. NEXT MEETING: March 25, 2019 at 2:00 P.M.

The next meeting will be held on March 25, 2019 at 2:00 p.m.

SEVENTEENTH ORDER OF BUSINESS

Supervisor Requests

Mr. Bill Nicholson stated that he was still concerned and confused about the landscaping topic that he felt was rushed through and, in light of its importance, motioned to hold off on contract development until a clear objective and a process can be defined. The motion died for lack of a second. Ms. McVay suggested deferring the issue to the March meeting. Mr. McCarthy suggested that the Landscape Committee should accomplish its projects and inform the Boards for reaction and feedback.

Mr. Crew stated that he recently attended the first meeting of the Pelican Landing Eco Club and there was a lot of common interest in environmental issues that the Districts impact, such as water quality, landscaping, energy consumption and recycling. He gave a recap of the CDDs and received requests for a more formal presentation at the Club's second meeting. He urged Staff and other Board Members to attend the second meeting, which will be March 18th at 10:00 a.m. He requested that the loop on the Capri cul-de-sac circle be filled in with new plants and voiced his disappointment in the turf management program.

Mr. Jim Nicholson asked Mr. Cox if he reviewed the District Counsel contract that was executed three years ago. Mr. Cox replied affirmatively.

Mr. Janek stated that he previously requested an inspection of the drain leaving Lake 14, at The Point and Costa Del Sol; the water is still high from Hurricane Irma. Mr. Adams stated that Staff will inspect and double check to make sure that the drain is clean and there was little influence from Hurricane Irma and water came into the drain, increasing the levels and the same phenomena is occurring in Lake 8.

Ms. McVay asked to be notified of when the mangroves would be trimmed, as she would like to observe it.

In response to Mr. Janek's request, Mr. Adams would email an account detail of the irrigation billing.

EIGHTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

There being no public comments, the next item followed.

NINETEENTH ORDER OF BUSINESS

Adjournment (Both)

There being no further business to discuss, the meeting adjourned at 3:56 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

February 25, 2019

FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair