

**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 December 2, 2019 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134.

**For Bayside Improvement CDD:**

Bernie Cramer	Vice Chair
John Crew	Assistant Secretary
Bill Nicholson	Assistant Secretary

**For Bay Creek CDD:**

Mary McVay	Chair
Robert Travers	Vice Chair
Donald J. McBride (via telephone)	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 (via telephone)	District Counsel
Wes Kayne	District Engineer
Chris Land	SOLitude Lake Management
Steve Backman	PLCA General Manager
Gail Gravenhorst	Resident/PLCA Landscape Committee
Bob Boyd	Horticulturist Florida Evergreen
Steve Jean	Resident and PLCA Representative
Jason Glasson	Resident and PLCA Association Manager
Robert D. Pritt	Resident
Tom Dryden	Resident
Paul Darling	Resident

**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.

**Roll Call**

Ms. McVay asked Supervisors and Staff to state their names. For Bay Creek CDD, Supervisors Janek, Travers and McVay were present, in person. Supervisor McBride was not present at roll call. Supervisor Glueck was not present. For Bayside Improvement CDD, Supervisors Cramer, Bill Nicholson and Crew were present, in person. Supervisors McCarthy and Jim Nicholson were not present.

**THIRD ORDER OF BUSINESS**

**Public Comments: *Agenda Items***

There being no public comments, the next item followed.

**Supervisor McBride joined the meeting at 2:01 p.m., via telephone.**

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, authorizing Mr. McBride's attendance and full participation, via telephone, due to exceptional circumstances, was approved.**

**BAY CREEK ITEMS**

**FOURTH ORDER OF BUSINESS**

**Acceptance of Resignation of Supervisor  
Nelson Glueck**

Mrs. Adams presented Mr. Glueck's resignation letter.

▪ **Presentation of Service Award to Nelson Glueck**

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

Ms. McVay stated she would present the service plaque to Mr. Glueck's wife, in appreciation of his thirteen years of service to the District.

**On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Janek, with all in favor, the resignation of Mr. Nelson Glueck, effective immediately, was accepted.**

**A. Consider Appointment of Mr. R. Gary Durney to Fill Unexpired Term of Vacant Seat 5  
(Term Expires November, 2022)**

Mrs. Adams distributed resumes and/or letters of interest from the following candidates:

- R. Gary Durney
- Robert D. Pritt
- Donald G.W. Smith.

Each candidate responded to questions about why they wanted to serve on the Board and each discussed their experience and service on other Boards, etc. Mr. Pritt felt that the Board already decided on an appointment. A Supervisor stated that a decision was not made and explained that the other resumes were received by the deadline but after the agenda was sent seven days prior to the meeting. It was noted that each candidate was qualified. Ms. McVay stated all interested candidates could reapply when Mr. McBride's seat is up for election, once he relocates out of the area; however, the time of his departure was unknown.

Mr. Janek, Ms. McVay and Mr. McBride nominated Mr. R. Gary Durney for Seat 5. Mr. Travers nominated Mr. Pritt. No other nominations were made.

**On MOTION for Bay Creek by Mr. Janek and seconded by Ms. McVay, with Mr. Janek, Ms. McVay and Mr. McBride in favor and Mr. Travers dissenting, the appointment of Mr. R. Gary Durney to fill the Unexpired Term of Seat 5, was approved. [Motion passed 3-1]**

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Durney. She provided and briefly explained the following item:

- I. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- II. Membership, Obligations and Responsibilities**
- III. Financial Disclosure Forms**
  - a. Form 1: Statement of Financial Interests**
  - b. Form 1X: Amendment to Form 1, Statement of Financial Interests**
  - c. Form 1F: Final Statement of Financial Interests**
- IV. Form 8B – Memorandum of Voting Conflict**

Mr. Durney accepted the Supervisor's stipend.

- B. Consideration of Resolution 2020-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the District**

Ms. McVay presented Resolution 2020-02. Mr. Janek nominated the current slate of officers, with the addition of Mr. R. Gary Durney, as Assistant Secretary, as follows:

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Chair	Mary McVay
Vice Chair	Robert Travers
Secretary	Chuck Adams
Assistant Secretary	Donald J. McBride
Assistant Secretary	James Janek
Assistant Secretary	R. Gary Durney
Assistant Secretary	Craig Wrathell
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, Resolution 2020-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the District, as nominated and stated, was adopted.**

**JOINT BOARD ITEMS**

**FIFTH ORDER OF BUSINESS**

**Presentation of Service Award to Nelson Glueck**

This item was presented during the Fourth Order of Business.

**SIXTH ORDER OF BUSINESS**

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

Mr. Kayne stated the NPDES NS 4 Year 2 Annual Report was submitted to Lee County and it would be sent with the other co-permittees' reports to the Department of Environmental Protection (DEP). This and other District reports would be discussed at a meeting this Wednesday at which Mr. Adams would discuss the improvements made to the Districts' operation, such as the nano-bubblers, etc.

**SEVENTH ORDER OF BUSINESS**

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

Mr. Land presented the November 2019 Monthly Report and reported the following:

- Added beneficial bacteria to the outfall lakes and six others to maintain algae.

- Serviced nano-bubblers at Lakes E-4 and E-5 to remove debris from the intake valve.

Mr. Land responded to questions and stated that the nano-bubblers and the addition of beneficial bacteria would eventually dissolve muck; it was not necessary to reconfigure them. His only concern was with Lake 5, which was being treated and monitored closely. Other than the manufacturer replacing the Unit 4 nano-bubbler, the newly ones were functioning properly.

**EIGHTH ORDER OF BUSINESS**

**Update: PLCA Landscaping Maintenance  
Outsourcing Investigation**

Mr. Adams stated that the PLCA was waiting for more proposals. Mr. Backman, PLCA General Manager, stated he was collecting data and was in the initial stages of determining whether to outsource. Mr. Nicholson asked Mr. Backman to clarify the Request for Proposal (RFP) process and timeline, as he did not feel this matter was urgent to the PLCA and he received conflicting comments from PLCA Board Members as to the urgency of this item and would like a stronger commitment to pursue this. A PLCA Committee Member recommended Mr. Backman and Mr. Adams continue discussions on this matter. The agenda item would be ongoing and give Mr. Backman the ability to provide updates. Mr. Backman stated that he was asked to pursue other landscape options in July and received only two but at least three were needed. He stated that the partnership between the PLCA Board Management and the CDDs was getting stronger, which could be seen in the landscaping throughout the community.

**NINTH ORDER OF BUSINESS**

**PLCA Landscape Committee Report**

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

- Plantings at the inner Spring Creek Circle that are part of the Architect's plan were completed; however, Mr. Adams noted a drainage related issue today.
- A request was made for the Districts to commence removal of eight oak trees from the perimeter area, as they had obligated to fund, in order to implement the rest of the Architect's plans. Plant materials are subject to change, if issues arise during the process.
- The Bay Creek Board recently gave approval for the PLCA to proceed with the same design in Bay Creek. The PLCA would be responsible for the cost to remove the coconut trees, not the CDD; however, maintenance would be conveyed to Bay Creek CDD upon completion.

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- Funding requests would be made next Monday for sculptures that include a foundation, lighting, etc., and possibly pergolas; the CDD would be responsible to maintain vegetation.
- Trees would be cut down and not replanted, as replanting was cost prohibited.

Ms. Gravenhorst stated, at The Colony's CDD workshop with the Colony Landscape Committee, TreeScaping of Naples (TN) gave valuable information about trimming canopies to allow light through to enhance growth. TN plans to train the CDD landscapers, which would benefit the entire community.

In response to concern about reemergence of the vegetation in the inner circle, Mr. Adams stated he observed the project in several stages and the Contractor did a good job removing the root mass.

**TENTH ORDER OF BUSINESS**

**Colony Landscape Committee Report**

Ms. Gravenhorst stated that The Colony scheduled regular workshops with the CDD to discuss better communication between the two. Her opinion of what was going on differed from the Landscaping Committee Member's opinion. She felt that checking into Management costs and communicating were anything but positive and the more residents have a better understanding of the CDD and what is happening, the better.

**ELEVENTH ORDER OF BUSINESS**

**Landscape Maintenance Activities Update  
and Report**

Mr. Adams stated the Boards were sent an updated activities tracker. He would tour the property with Mr. Kucera twice a month and provide updates. The four week schedule for The Colony proved successful; however, the initial Phase 1 program outside The Colony was extensive and challenging, as they were simultaneously working on palm pruning but great strides were being made. The palms should be completed by the end of January and then trimming the hardwoods would commence. The contractor would train the recently certified Arborist group on how to artistically approach tree trimming.

Mr. Adams discussed the trimming projects, areas that were completed and would be completed and alternating mowing weeks. The turf color would be addressed with Mr. Boyd. Mrs. Adams stated the three areas that still need mulch would be completed next week.

Regarding Mr. Olson's position, Mr. Adams stated that it would be filled after the holidays and there were plans to hire an additional person later in the year. Additional jasmine would be planted around the guard house at Pelican Nest Drive and in other areas soon.

Mr. Nicholson noted the effectiveness of the activities lists. Mr. Adams stated that, by reorganizing the program and developing cycles, he hoped to determine which items work best or need to be addressed this spring and whether outsourcing would be an option. Mr. Nicholson stated he did not object to obtaining competitive bids; his only request was for the Districts to be partners and to be informed.

Mr. Crew asked about the trimming frequency at the gate entrances and fountains. Mr. Adams stated the schedule showed that work inside The Colony would be monthly and outside The Colony would be six to eight weeks; however, since this was the first run through, time would tell if the schedule is achievable or needs to be adjusted.

Ms. McVay thanked Mr. and Mrs. Adams for having the bushes on Pelican Nest Drive, west of the bridge, trimmed.

Mr. Adams stated the landscape map was added to the GIS mapping program and posted to the Districts' website. Mrs. Adams distributed the map and asked the Supervisors to contact Management if they had questions or found inconsistencies. Mr. Adams distributed the map to the PLCA General Manager and PLCA Landscape Committee Member.

Mr. Bob Boyd, Horticulturist Consultant for the CDDs, stated he toured the community and the appearance proves the earlier comment that the methods and changes implemented by the Management company were beneficial. The inner circle plantings turned out well, proper action was being taken to improve control of oak trees, the cycles were working and things looked neat and tidy, for a mature community. From his professional standpoint, he observed good plant healthcare, proper pruning techniques on the shrubs and found that further improvement could be made on the trees, which would be addressed by the Arborist in February; progress was being made.

Mr. Nicholson asked Mr. Boyd for his top three concerns now that the new changes were made. Mr. Boyd stated he was concerned about the turf issue in The Colony, caused by the conditions impeding growth; however, his suggestions were implemented and resulted in visible progress. He discussed existing conditions, weather conditions causing several issues, possibly spraying the area or installing flora-turf in high visibility areas, etc.

**Continued Discussion/Update: City of  
Bonita Springs Storm Water Utility Fees**

Mr. Cox stated work with City Staff to determine how they want to address this issue was underway and, since the initial fee was nominal, he preferred to work with the City rather than push them into a decision. In response to questions, he stated that, if a rebate is due it would be applied to future years and the PLCA was a better entity to be the named plaintiff, as its associational standing would allow relief to be given to everybody. Mr. Adams would discuss the issue with Mr. Backman at the next PLCA meeting.

**THIRTEENTH ORDER OF BUSINESS**

**Discussion: PLCA Environmental Policy  
Statement**

Mr. Cramer stated the new PLCA Environmental Policy Statement was created jointly, through the efforts of the ECO Club and the Beach Advisor Group (BAG). In trying to work collectively with the Districts and due to Sunshine Law, they would like to hold seminars that are open to residents to help them better understand how the water flows within the community and understand the various entities, such as the South Florida Water Management District (SFWMD), etc., that are involved. He asked the Districts to support the ECO Club, who designated Mr. Steve Jean to attend CDD meetings and be a conduit between these entities.

Mr. Steve Jean, a resident and ECO Club Representative, stated his background was in landfill science and that he was asked to represent the ECO Club and attend CDD meetings to bring information back to the Club, which has 150 active members with various backgrounds, and to work with the CDDs. In response to questions Mr. Jean stated that the ECO Club members all reside in Pelican Landing, the environmental policy relates to fertilizer, water, soil quality and muck; however, the main concern is with water related matters.

Mr. Cramer read a portion of Mr. Crew's thoughts on the proposed PLCA policy statement and noted that Mr. Cramer is also an ECO Club member. The purpose was for the CDDs to educate residents by presenting an overview of the pond systems in Pelican Landing and The Colony, how they are managed by the CDDs, etc.

Mr. Crew asked that the Boards have the opportunity to review the policy before proceeding further. Mr. Nicholson stated this was a good topic to continue these discussions, since several organizations are involved and the various historical data that is available. Mr. Crew asked Mr. Cox to review the PLCA Environmental Policy statement.



**On MOTION for Bayside by Mr. Cramer and seconded by Mr. Bill Nicholson, with Mr. Cramer and Mr. Bill Nicholson in favor and Mr. Crew dissenting, discussing the possibility of the Districts supporting the activities of the ECO Group, was approved. [Motion passed 2-1]**

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, discussing the possibility of the Districts supporting the activities of the ECO Group , was approved.**

This item would be included on the next agenda

**FOURTEENTH ORDER OF BUSINESS**

**Update: Longlake Village Monument  
Renovation and Presentation of Uniform  
Plan**

Mr. Cramer stated that to proceed with renovating the two monuments in Longlake, which the residents and PLCA approved paying for, they needed a PLCA representative to execute the Lykins-Signtek (Lykins) contract, as there is no HOA to do it. Mr. Backman asked for a letter from the President of the Community stating that they approve the renovations and give him authority to execute the contract.

The word "Village" would be removed from the title of this agenda item, going forward.

Discussion ensued as to who would be responsible for the project, whether the CDDs should execute the contract since they are responsible for maintenance and the PLCA does not own the monuments, communities being able to piggy back off this design, collection method, whether the Design Review Committee (DRC) has control over the design, etc. The Districts would proceed with the project upon receipt of the letter and the funds to offset the project.

**FIFTEENTH ORDER OF BUSINESS**

**Presentation/Discussion: Phase 1  
Landscape Department Shut Down  
Financial Analysis**

Mr. Adams presented the Phase 1 Landscape Department Shutdown Financial Analysis Report, including items that would remain, such as retaining the Field Manager and two technicians, items that are already outsourced and the total cost savings. In response to questions, Mr. Adams stated that, if the District proceeded with outsourcing, it would not have the resources to respond to natural disasters as with prior events; however, the condominiums

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have a mechanism, through their insurance, for loss assessment but it does not have tax-exempt status. Mr. Adams would revise the document to conceal certain data.

**SIXTEENTH ORDER OF BUSINESS**

**Consideration of Updated 2020 Key Objectives**

Mr. Adams stated that, other than adding a timeline to ongoing projects, Management had not received any other modifications from the Boards. Mr. Adams would renumber and revise Items #1 and #6 as to how the Districts' can measure how well the maintenance management system is working and provide further data on the number of hours or funds needed to train existing and new employees, respectively.

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

These reports were included for informational purposes.

Mr. Crew stated that, of the three high user residents in Blue Sage, he spoke to one who showed concern; however, it was their problem as they all have the same landscaper.

**EIGHTEENTH ORDER OF BUSINESS**

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

Ms. McVay presented the Unaudited Financial Statements as of October 31, 2019. The financials were accepted.

**NINETEENTH ORDER OF BUSINESS**

**Approval of October 28, 2019 Joint Regular Meeting Minutes [Both]**

Ms. McVay presented the October 28, 2019 Joint Regular Meeting Minutes.

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

**TWENTIETH ORDER OF BUSINESS**

**Action Items (Both)**

Active/Ongoing New Items: Items 1, 2 and 10 were completed, Item 6 was partially completed and Items 8 and 9 were pending.

Active/Ongoing-Carry Over From Last Meeting: Items 12, 13 and 20 were completed.

**TWENTY-FIRST ORDER OF BUSINESS**

**Old Business (Both)**

There being no old business the next item followed.

**TWENTY-SECOND 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**

The December 2, 2019 Monthly Status Report was included for informational purposes. Mrs. Adams stated that the Wax Myrtle on Colony Boulevard would be installed the week of December 2<sup>nd</sup> rather than in November. The Colony Work-Shop Meeting Notes for November 14, 2019 and Mr. Kemps Zero Consumption Report were included in the agenda package.

**ii. NEXT MEETING: January 27, 2020 at 2:00 P.M.**

**o QUORUM CHECK – BAYSIDE IMPROVEMENT CDD**

Supervisors Crew, Cramer and Bill Nicholson confirmed their attendance at the January 27, 2020 meeting.

**o QUORUM CHECK – BAY CREEK CDD**

All Supervisors confirmed their attendance at the January 27, 2020 meeting.

**TWENTY-THIRD ORDER OF BUSINESS**

**Supervisors' Requests**

Ms. McVay distributed photographs of downed mangrove limbs behind Bay Creek resident Mr. Paul Darling's residence that have been neglected, preventing future manatee or kayaker sightings. Discussion ensued regarding who is responsible for maintaining the area, the odor, etc. Mr. Adams would research the original navigational permit to determine the cross section. Mrs. Adams would obtain proposals from EarthBalance to remove dead vegetation and to re-dredge the area.

Mr. Durney asked who to contact with questions about the Supervisor position, etc. Mr. Adams recommended he review Chapter 190 of the Florida Statutes and the meeting minutes online. A Supervisor Handbook would be sent to Mr. Durney and he could contact Staff.

**TWENTY-FOURTH ORDER OF BUSINESS**

**Public Comments: *Non-Agenda Items***

Mr. Darling stated that deteriorating vegetation in the water in Bay Creek was creating methane gas and causing the offensive smell. He discussed changes in the creek since he purchased his home in 1999. It was originally 5' to 7' deep, flowed three to five miles per hour (mph) and was used by kayakers but now is just a trickle. He offered to tour the area with the Supervisors. He confirmed with Ms. Linda Worell, in the City's Public Works Department, that the District was responsible for maintaining this area.

**TWENTY-FIFTH ORDER OF BUSINESS**

**Adjournment (Bayside Improvement CDD)**

There being nothing further to discuss, the Bayside CDD meeting adjourned at 4:28 p.m.

Mrs. Adams stated that three contractors attended the mandatory pre-bid meeting for the Bayside Lake contract.

**BAY CREEK ITEMS**

**TWENTY-SIXTH ORDER OF BUSINESS**

**Public Hearing to Hear Public Comment and Objections to the Adoption of an Amendment to the Rules of Procedure, Related to the Rates and Charges for Irrigation Utility Usage, Pursuant to**

**A. Affidavits of Publication**

**I. Notice of Rule Development**

**II. Notice of Intent**

The proofs of publications were included for informational purposes.

**B. Consideration of Resolution 2020-03, Amending the Rules of the District Relative to its  
Irrigation Utility Regulations and Rates and Charges for Utility Service**

Mr. Adams presented Amendment No XVI to Chapter I of the Rules of Procedure, reflecting the rate increase for irrigation utility usage, referred to as Exhibit A to Resolution 2020-03, to adopt the rule change. This increase provides additional revenue to the District, which projects an even budget rather than a shortfall like last year. Discussion ensued regarding Bayside's conditions to take water from Bay Creek, if it is delivered under pressure and not low pressure flow as their effluent water ponds are not lined, weather influences on consumption, pipe size, the RCS commitment to move in the direction of providing pressurized service and the contract term with RCS for approximately every 10 years with auto renewal, subject to termination by either entity, etc.

**Mr. Adams opened the Public Hearing.**

No members of the public spoke.

**Mr. Adams closed the Public Hearing.**

Mr. Adams presented Resolution 2020-03.

**On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Janek, with all in favor, Resolution 2020-03, Amending the Rules of the District Relative to its Irrigation Utility Regulations and Rates and Charges for Utility Service, was adopted.**

There being nothing further to discuss, the Bay Creek CDD meeting adjourned at 4:44 p.m.

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FOR BAYSIDE IMPROVEMENT:**

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Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair