

**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 April 25, 2022, at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134. Members of the public were able to participate via Zoom, at <https://us02web.zoom.us/j/88969163185>, and via conference call at 1-929-205-6099, Meeting ID: 889 6916 3185 for both.

For Bayside Improvement CDD, present were:

Walter McCarthy	Chair
Bill Nicholson	Vice Chair
Bernie Cramer	Assistant Secretary
Gail Gravenhorst	Assistant Secretary
Karen Montgomery	Assistant Secretary

For Bay Creek CDD, present were:

James Janek	Chair
Mary McVay	Assistant Secretary
R. Gary Durney	Assistant Secretary
Jerry Addison	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Greg Urbancic (via telephone)	District Counsel, Bayside Improvement CDD
Dan Cox (via telephone)	District Counsel, Bay Creek CDD
Wes Kayne (via telephone)	District Engineer
Bill Kurth (via telephone)	SOLitude Lake Management (SOLitude)
Mark Putcoff	PLCA General Manager
Charlotte McCarthy	Resident
Ed Shinouskis (via Zoom)	Resident/Water Quality Task Force (WQTF)

FIRST ORDER OF BUSINESS

Call to Order/Phone Silent Mode/Pledge of Allegiance

Mrs. Adams 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, Supervisors McVay, Addison, Janek and Durney were present, in person. Supervisor Travers was not present. All Bayside Improvement CDD Supervisors were present in person.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

No members of the public spoke.

JOINT BUSINESS ITEMS

FOURTH ORDER OF BUSINESS

Staff Report: District Engineer – *Barraco & Associates, Inc.*

Mr. Kayne reported the following:

- The second Request for Additional Information (RAI) related to the Year 4 NPDES Annual Report was received. The response related to the inspection quantities and records would be coordinated with the District Manager’s office and the request would be accommodated as soon as possible.
- The sluice gate annual inspections are due on or about May 1, 2022, per the Water Management District permit. Work is scheduled to be completed this week and a report would be provided at the next meeting.

A Board Member asked what information was requested for the NPDES. Mr. Kayne noted the requirement to inspect a certain amount of drainage infrastructure each year. The information was not recorded exactly as requested, so it is necessary to update inspection quantities and provide supporting information to back up the numbers provided.

FIFTH ORDER OF BUSINESS

Waterway Inspection Report: *SOLitude Lake Management*

Mr. Kurth presented the April Monthly Report and highlighted the following:

- Most of the lakes look good and received standard maintenance treatments.
- Lake D-10 was treated for plankton.
- With regard to Lake B-8 that was mentioned last month, Ms. Kennedy advised that the lake had some algae and duckweed. It was believed to have resulted from Sonar® herbicide treatments for slender spikerush, which can contribute to algae blooms. The duckweed also responds to Sonar®. Upon further inspection, it is being treated successfully.

Ms. Gravenhorst requested an update regarding the nanobubblers at E-4 and E-5. Mr. Kurth stated his team and the technician advised that all units are running except for E-5, which has an electrical issue that must be resolved before the nanobubbler can be addressed.

SIXTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Mr. Putcoff reported that the PLCA Landscape Committee reorganized and Mr. Bill Packer is the Board Liaison. Ms. Cheryl Hughes was named Chairperson and Ms. Barbara Frank joined as a Committee member. While future plans were discussed including Pennyroyal near the fountain, nothing was finalized.

Discussion ensued regarding how recommendations and information can be shared with the Committee. Mr. Janek voiced his opinion that landscaping is causing sight line issues and noted that the issues vary for different vehicle types. He stated that residents have asked how they can join the Landscape Committee. Mr. Putcoff stated a request for resumes was sent three months ago. Ms. Marilyn Price would be returning to the Committee.

Ms. Gravenhorst thought a workshop or a meeting would be beneficial to discuss the importance of line of sight issues and expectations. She felt that the CDDs do a good job managing the vegetation but the sight issues might be beyond the Landscape Committee's ability to manage. In her opinion, the purpose of the Committee is to design a cohesive appearance in the community; over the years the Committee focused on projects.

Mr. McCarthy stated Staff takes notes at meetings and expressed his support for relying on Staff serving as a conduit between the CDDs and the Committee, due to the Sunshine Law.

Mr. Cramer stated he spoke with Mr. Putcoff regarding the PLCA Hurricane Preparedness presentation to the PLCA Board, which included information prepared by Mr. Adams. He expressed his willingness to work with Mr. Putcoff to disseminate this information to residents.

Mr. Putcoff distributed the Hurricane Emergency Plan for review in advance of the next meeting. Mr. Willis discussed information typically shared with new homeowners.

Discussion ensued regarding current CDD communications to residents and implementing quarterly reports for the CDDs and The Colony. Ms. Montgomery volunteered to help with this.

Discussion ensued regarding line of sight issues. Mr. McCarthy stated the CDDs are responsible for maintaining vegetation at intersections to a certain height. Mr. Adams believed it is maintained to be 18" above the ground and a certain number of feet back from the intersection. He expressed support for sharing information with residents in advance of hurricane season, including gate and emergency cleanup procedures, and noted that some associations are responsible for their own cleanup. Mr. Putcoff stated he received good feedback about the presentation. The consensus was that Mr. Cramer and Mr. Putcoff would work on this.

B. Colony Landscape Committee

The Report was emailed to the Boards.

SEVENTH ORDER OF BUSINESS

**Consideration of FL GIS Solutions, LLC,
Professional Services Agreement for
Geospatial Services**

Mr. Adams stated the person who has been providing this service ,through Passarella and Associates (Passarella), started his own company, FL GIS Solutions, LLC (FLGIS). The rate previously charged by Passarella was \$140 per hour and the proposed rate from FLGIS was \$110 per hour but he negotiated a reduced rate of \$100 per hour, for two years.

Discussion ensued regarding the usefulness and longevity of the GIS service, which involves regularly updating applicable maps, software, ownership records, links to the County and other public records.

Mr. McCarthy asked about the reimbursables costs. Mr. Urbancic asked for the statutory addendum to contracts to be included. Mrs. Adams stated the Scope of Work provided would be included as an Addendum to the standard contract. Mr. McCarthy asked for Mr. Urbancic to sign off on approval on the Scope of Work.

Discussion ensued regarding the cost of the reimbursables and reducing the amount spent for paper copies.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the FL GIS Solutions, LLC Professional Services Agreement, at the rate of \$100 per hour as negotiated by Mr. Adams, with the period of the contract to be two years from the date of execution, and authorizing Staff to negotiate the costs of reimbursables, was approved.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Addison, with all in favor, the FL GIS Solutions, LLC Professional Services Agreement, at the rate of \$100 per hour as negotiated by Mr. Adams, with the period of the contract to be two years from the date of execution, and authorizing Staff to negotiate the costs of reimbursables, was approved.

EIGHTH ORDER OF BUSINESS

Presentation of Monthly Budget and Year End Projection *(to be provided under separate cover)*

This item was presented following the Thirteenth Order of Business.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2022

This item was presented in conjunction with the Monthly Budget and Year End Projection, following the Thirteenth Order of Business.

TENTH ORDER OF BUSINESS

Approval of March 28, 2022 Joint Regular Meeting Minutes

Mr. Janek presented the March 28, 2022 Joint Regular Meeting Minutes.

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Gravenhorst, with all in favor, the March 28, 2022 Joint Regular Meeting Minutes, amended if necessary to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Addison, with all in favor, the March 28, 2022 Joint Regular Meeting Minutes, amended if necessary to include any changes submitted to Management, were approved.

ELEVENTH ORDER OF BUSINESS

Action/Agenda Items

The items listed below were supplemented by Mrs. Adams notes.

Active/Ongoing New Items: Items 1, 3 and 4 were completed.

Discussion ensued regarding conservation signs. Mrs. Adams would inform Mr. McCarthy when the conservation area signs will be installed.

Active/Ongoing New Items: Mr. Kucera would revisit Item 5.

Active/Ongoing Carried Over From 02.28.22 Meeting: Items 1 and 3 were completed. Regarding Item 2, a contract was executed.

TWELFTH ORDER OF BUSINESS

Old Business

There was no old business.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

I. *Gregory Urbancic, Esq., Coleman Yovanovich Koester, P.A.*

There was no report.

II. *Daniel Cox, Esq.*

There was no report.

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

I. Monthly Status Report: Field Operations

• Discussion/Presentation: Monthly Report Narrative

There was no report.

A Board Member stated his understanding that water meters are not working and asked if it is true that meters cannot be repaired or replaced as indicated in Mr. Kemp's Staff Report.

Discussion ensued regarding the meter shortage and whether estimated billing could be implemented until meters are replaced. Mr. Adams stated he would research the matter.

Mr. Cox discussed a municipality that recovered its \$4 million up front costs to replace 2,900 analog meters within 3.5 years. The consensus was to keep mechanical meters and physical inspections at this time.

Ms. McVay discussed ongoing sprinkler issues and stated 30 clogged sprinkler heads required replacement. Mr. Adams would notify Mr. Kemp to meet and review her system.

II. Number of Registered Voters as of April 15, 2022

a. Bayside Improvement CDD: 3,061

There were 3,061 registered voters residing within the CDD as of April 15, 2022.

b. Bay Creek CDD: 756

There were 756 registered voters residing within the CDD as of April 15, 2022.

III. NEXT MEETING DATE: May 23, 2022 at 2:00 P.M.

- **QUORUM CHECK: BAYSIDE IMPROVEMENT CDD**
- **QUORUM CHECK: BAY CREEK CDD**

The next meeting would be held on May 23, 2022.

- **Presentation of Monthly Budget and Year End Projection (*to be provided under separate cover*)**
- **Acceptance of Unaudited Financial Statements as of March 31, 2022**
These items, previously the Eighth and Ninth Orders of Business, were presented out of order.

Mr. Adams responded to budget questions from the Projected Report and the Unaudited Financial Statements. He discussed upcoming salary adjustments, employee retention and upcoming retirements of Mr. Kucera, in February, and Don, in mid to late March.

Succession plans and the advancement of Mr. Kemp and advancements within his department were discussed.

Mr. Adams stated he would seek to hire an individual to assume Don's duties in January to allow sufficient time for training and job shadowing.

A Board Member asked about the increase in lighting cost. Mr. Adams stated the Florida Power & Light (FPL) rate increased due to rising fuel prices. He recalled a catch-up invoice was received from Bentley Electric and stated he would research the issue. It was noted that some utility poles along Pelican Nest and Pinewater are missing utility box covers. Mrs. Adams stated an inspection would be done by Bentley Electric, beginning with those boxes.

The financials were accepted.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. Montgomery thanked Staff for helping Long Lake make sense of the antiquated irrigation system. She recalled that, as reflected in the minutes of the last meeting, the WQTF suggested that District Counsel review the document and advise. Ms. Gravenhorst recalled a series of questions was prepared. Mr. Urbancic stated he did not see a list of questions but he and Mr. Cox briefly discussed the issues. Mrs. Adams would forward the questions to Mr. Cox and Mr. Urbancic. Ms. Montgomery noted that she would provide the Report, which includes comprehensive information that may answer some questions.

This item would be discussed at the next meeting.

FIFTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

Mr. Shinouskis suggested the WQTF remain a standing agenda item, as there will always be work to be done or information to be shared. He thanked the Supervisors for supporting the WQTF over the last 18 months. He stated the WQTF's findings and recommendations would be presented to the PLCA Board and The Colony Foundation Board in May. It was suggested he keep those presentations short and present very specific requests.

Mr. Shinouskis stated he plans to ask both Boards to:

- Review the findings and recommendations and make an effort to make them a priority in the community.
- Support a joint PLCA/Colony Foundation communication plan that is developed and delivered to all owners, with the objective of aiming their support for any future actions to reduce nutrient discharges. Conversations were initiated with PLCA Staff and they are willing to help put the communication plan together through the summer and begin when season starts in the fall.
- Become more engaged with the CDDs, understand their obligations and their work and better integrate themselves in their efforts.

Mr. Shinouskis hoped the Supervisors agree with this approach and welcomed a strong relationship with the HOA Boards. He hopes the WQTF recommendations will be a high priority to meet the obligations of the City of Bonita Springs settlement. He recalled the major components of the settlement included implementing a water quality monitoring program and associated actions to reducing the impairments in the discharge, as well as developing a five-year

Capital Improvement Plan (CIP) to improve water quality. He felt that, in the seven months since the settlement was reached, he had not observed any substantial efforts. He asked for water quality to be a priority and that the efforts live up to the obligations in the settlement and that input and support from the HOA Boards be welcomed.

Mr. Cox disagreed with Mr. Shinouskis' opinion that nothing was done over the last seven months. He noted the Boards supported the efforts of the WQTF and recalled that testing was done where appropriate. He stated he liked the recommendations put forth because an educational campaign is necessary to promote horticultural changes needed to reduce the community's nutrient input. He commended the WQTF on their report.

Mr. Shinouskis recommended the Boards consider repeating the summer monitoring program and implementing it for additional data points. Mr. Cox thought, if they were present, the Engineers would state that repetitive readings would not provide any more relevant data.

SIXTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 3:10 p.m.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the meeting adjourned at 3:10 p.m.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Addison, with all in favor, the meeting adjourned at 3:10 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

April 25, 2022

FOR BAYSIDE IMPROVEMENT:



Secretary/Assistant Secretary



Chair/Vice Chair

FOR BAY CREEK:



Secretary/Assistant Secretary



Chair/Vice Chair