

**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 October 24, 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
Robert Travers	Vice Chair
Mary McVay	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Dan Cox (via telephone)	District Counsel, Bay Creek CDD
Greg Urbancic (via telephone)	District Counsel, Bayside Improvement CDD
Wes Kayne (via telephone)	District Engineer
Ean Sims (via telephone)	SOLitude Lake Management (SOLitude)
Paul Dougherty (via telephone)	SOLitude Project Manager
Mark Puthoff	PLCA General Manager
Bill Packard	Resident/HOA/Landscape Committee

FIRST ORDER OF BUSINESS

Call to Order/Phone Silent Mode/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

For Bay Creek CDD, Supervisors McVay, Travers and Janek were present, in person. Supervisors Addison and Durney were not present.

For Bayside Improvement CDD, all Supervisors were present.

Supervisor McCarthy expressed his condolences to those affected by Hurricane Ian in The Colony and Pelican Landing and thanked everyone for checking on him.

Ms. Gravenhorst and others thanked Mr. and Mrs. Adams for attending to CDD business and recognized their commitment to the community. Residents appreciated the way the community looked after only a few days, given the devastation in the communities. Other Board Members agreed and thanked them again. Mr. Cramer noted the working relationship with Pelican Landing, Mr. Puthoff, Ms. Lennon and Mr. Packard and the entire team; the results reflected a team effort.

Mr. McCarthy stated he responded to several emails commending the CDDs and noted it was a joint effort between the CDDs and the PLCA. Mr. Adams stated the contractors did a fantastic job.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

PLCA Assistant General Manager Mark Puthoff noted how well done the revised Storm Emergency Clean Up Plan was and gave an update on the Hurricane Ian debris cleanup efforts. He commended Mr. and Mrs. Adams and the various contractors.

JOINT BUSINESS ITEMS

FOURTH ORDER OF BUSINESS

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

The District Engineer's monthly report was given during the Fifth Order of Business.

FIFTH ORDER OF BUSINESS

Consideration of Annual NPDES Report (*to be provided under separate cover*)

Mr. Kayne presented the Draft National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems Annual Report, Cycle 4, Year 5, 2022, due October 31, 2022.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, the Annual National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems Annual Report, Cycle 4, Year 5, 2022 and authorizing the Chair to execute the final version, was approved.

On MOTION for Bayside by Ms. Gravenhorst and seconded by Mr. Cramer, with all in favor, the Annual National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems Annual Report, Cycle 4, Year 5, 2022 and authorizing the Chair to execute the final version, was approved.

Mrs. Adams asked for an update of Mr. Durney's observation of the pressure relief valve in Lake D-6, "Hurricane #13". Mr. Kayne stated he responded to this via email and stated that the pipe will be used for temporary emergency purposes only.

SIXTH ORDER OF BUSINESS

Waterway Inspection Report: *SOLitude Lake Management*

Mr. Dougherty presented the October Monthly Report. Since Hurricane Ian blew saltwater into the lakes, he recommended waiting to install plants, as they might not survive.

In response to a question about the lake conditions, Mr. Dougherty believed it might take a year or two before the lakes return to normal salinity. Board Members suggested quarterly salinity testing and asked for Lakes D-14 and A-2 to be inspected, as they flooded and overflowed up to the lanais.

Ms. Gravenhorst asked who is responsible for cleaning up the debris in the flow way canal close to Terzetto. Mr. Adams stated the area will be monitored and proposals will be obtained from Solitude or EarthBalance. Regarding concerns about loss of Grass Carp, Mr. Adams stated he will ask SOLitude to monitor them.

SEVENTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Mr. Packard distributed and presented the PLCA Landscape Committee Report, which was also emailed. He noted Bill's efforts and thanked the CDDs for their storm preparation; crews were already on site Thursday morning. He felt that the process was seamless.

B. Colony Landscape Committee

The Colony Landscape Committee Report was distributed.

JOINT BOARD ITEMS

EIGHTH ORDER OF BUSINESS

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

Mr. Adams stated there was no Report for the month.

NINTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of September 30, 2022**

Mr. Adams presented the Unaudited Financial Statements as of September 30, 2022. He discussed why the "Chemicals" and "Street lighting" budget line items exceeded budget. Accounting will recode certain "Fuel" costs that were inadvertently coded to General Fund 002 instead of General Fund 001. The financials were accepted.

TENTH ORDER OF BUSINESS

Approval Minutes

Mr. Adams presented the following:

A. August 12, 2022 Joint Budget Workshop

On MOTION for Bay Creek by Mr. Janek and seconded by Ms. McVay, with all in favor, the August 12, 2022 Joint Budget Workshop Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bayside by Mr. Nicholson and seconded by Ms. Montgomery, with all in favor, the August 12, 2022 Joint Budget Workshop Minutes, as amended to include any changes submitted to Management, were approved.

B. August 22, 2022 Joint Public Hearings and Regular Meeting

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Janek, with all in favor, the August 22, 2022 Joint Public Hearings and Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bayside by Ms. Gravenhorst and seconded by Ms. Montgomery, with all in favor, the August 22, 2022 Joint Public Hearings and Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

ELEVENTH ORDER OF BUSINESS

Action/Agenda Items

This item was deferred to the next meeting.

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.*

Mr. Cox suggested working with Staff and discussing the CDDs' obligations under the monitoring with the City of Bonita Springs and finding out the City's expectations are now, in light of surface water and ground water input that will cause the nutrient load to fluctuate.

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

I. Monthly Status Report: Field Operations

The Monthly Report was included for informational purposes.

Mr. Adams stated that an Executive Order was passed extending the property tax deadline from April 1, 2023 to June 1, 2023 and the 4% discount up to January 2023, which will slightly impact the CDDs' cash flow.

Mrs. Adams stated some of the fountains flooded; she will have a report at the next meeting. Mr. Adams stated the insurance adjuster was on site; insurance claims will be filed for the fountains and the 12 or so decorative lights in The Colony that were lost.

II. NEXT MEETING: December 5, 2022 at 2:00 P.M.

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

The next meeting will be on December 5, 2022.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. Gravenhorst asked how long it will be before the CDDs go back to regular routine maintenance.

Mr. Adams stated the CDDs are already back to normal maintenance operations but a few minor items, such as stump grinding, fence repair and soil removal in The Colony, which he expects the contractors to complete by next week. He responded to questions about identifying CDD stumps and treating potential workplace injuries and illnesses.

Mr. Nicholson asked Mr. Adams to provide an itemized list of unplanned and unbudgeted storm cleanup projects, with prices, and identify items covered by insurance. The expectation is that 90% of that will be completed by the December meeting and, if necessary, a note to cover expenses can be obtained.

Regarding if the process to obtain Federal Emergency Management Agency (FEMA) and/or State reimbursement is under control, Mr. Adams replied affirmatively and stated that documentation was submitted and is being reviewed and contractor's payments are being processed.

Mr. Travers asked for a timeline for the approved PLCA landscape projects. Mr. Adams stated the work will be completed over the next 30 to 60 days.

Mr. Janek asked if the CDDs can receive help with the \$34,000 in cleanup costs. Mr. Adams was unsure and did not know anything about the private process.

Mr. Cramer asked about the water feature. Mr. Adams stated that sump pumps are good but, when the electric shuts down, so does the equipment. Regarding a clogged drainage pipe, Mr. Adams stated he will present a request to the Pelican Nest Golf Course to realign the drainage pipe, abandon a portion of an easement and accept a new one, at the December meeting.

Mr. McCarthy stated he received information that the PLCA is rewriting its documents to propose an entry to allow them to request that the CDDs start funding for capital expenditure projects. As the longest sitting Board Member, he provided historical background going back to the original Developer, Westinghouse, and how capital projects were funded to ensure the CDDs are not encumbered with debt. He will not vote to create any kind of indebtedness for the CDDs.

Board Members agreed with Mr. McCarthy's position and asked Mr. Adams to forward the email to Mr. Urbancic and Mr. Cox for review and for them to report on this at the next meeting.

Ms. McVay asked if there are plans to clear the streets in Bay Creek. Mr. Adams will have Mr. Puthoff review the PLCA Agreement.

FIFTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

No members of the public spoke.

SIXTEENTH ORDER OF BUSINESS

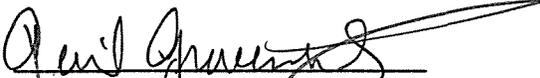
Adjournment

On MOTION for Bay Creek by Mr. Janek and seconded by Ms. McVay, with all in favor, the meeting adjourned at 3:14 p.m.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, the meeting adjourned at 3:14 p.m.

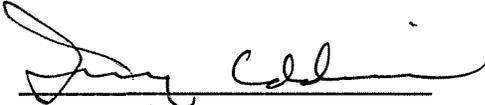
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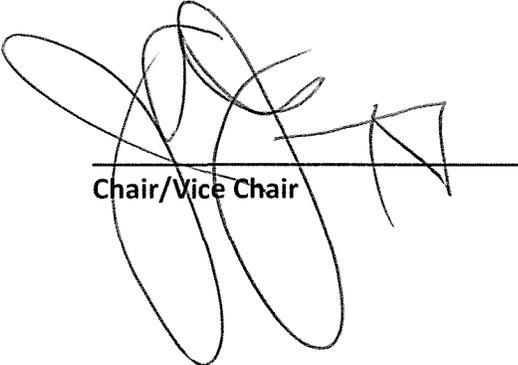
FOR BAYSIDE IMPROVEMENT


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair