

**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 July 31, 2023, 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/84137772934>, and via conference call at 1-929-205-6099, Meeting ID: 841 3777 2934 for both.

Present for Bayside Improvement CDD were:

Walter McCarthy	Chair
Bill Nicholson	Vice Chair
Bernie Cramer	Assistant Secretary
Gail Gravenhorst (via telephone)	Assistant Secretary
Karen Montgomery	Assistant Secretary

Present for Bay Creek CDD were:

James Janek (via telephone)	Chair
Robert Travers	Vice Chair
Jerry Addison	Assistant Secretary
Gary Durney	Assistant Secretary
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
Megan Magaldi (via telephone)	District Counsel, Bayside Improvement CDD
Wes Kayne (via telephone)	District Engineer
Paul Kemp	Field Manager
Ean Sims (via telephone)	SOLitude Lake Management (SOLitude)
Steven Rodriguez	Storm Drain Protection Act-USA (SDPA)

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 Bayside Improvement CDD, Supervisors Montgomery, Cramer, Nicholson and McCarthy were present. Supervisor Gravenhorst attended via telephone.

For Bay Creek CDD, Supervisors Durney, Travers, Addison and McVay were present. Supervisor Janek attended via telephone.

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, authorizing the attendance and full participation of Ms. Gravenhorst, via phone, due to exceptional circumstances, was approved.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Durney, with all in favor, authorizing the attendance and full participation of Mr. Janek, via phone, due to exceptional circumstances, was approved.

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

Mr. Steven Rodriguez provided information about the Storm Drain Protection Act USA (SDPA), which is a nutrient and prevention and reduction non-profit organization that installs and maintains filters within storm drains. Using Department of Environmental Protection (DEP) grant funds, SDPA is offering, free of charge, to conduct a field survey, which involves installing a total of 6,500 NoFlood filters in certain storm drains, divided across four zones, and replacing them three times per year. He is seeking approval today, as the reporting requirements are due to the DEP within a few weeks. He hopes the CDDs will adopt the program in the future. He discussed the benefits and suggested visiting the SDPA’s website.

Mr. Rodriguez responded to questions regarding the cost of testing, using the CDDs’ GIS mapping program, how the system detects debris buildup, ownership and the costs the CDDs could incur for ongoing maintenance. He stated the survey spans 18 months and, if the CDDs decide not to proceed further, the SDPA will remove the filters and dispose of them and the debris at the appropriate recycling facility and provide the results to the CDDs. Mr. Rodriguez stated that most of the surrounding communities are “on board” and stressed that, the next time he speaks to the media, he will ensure that those who are not in the program are identified.

When asked, Mr. Kayne stated that the results could help the Boards make decisions on in the future. Regarding the PLCA, Mr. Adams stated the PLCA owns the majority of the inlets. He thinks there is no harm in participating in the survey to get an idea of the cost and it will be difficult to stop the project once it starts.

Mr. Nicholson, Mrs. Adams and Ms. Montgomery voiced their comments.

The Boards’ consensus was to defer this while Mr. Rodriguez provides additional information to Mrs. Adams to distribute to the Board Members.

BAYSIDE IMPROVEMENT BUSINESS ITEMS

FOURTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2022, Prepared by Grau & Associates

Mr. Adams asked to defer the Fourth, Fifth, Seventh and Eighth Orders of Business until Grau & Associates can attend to present the Reports. Both CDDs received an “Unmodified Audit Opinion”, otherwise known as a clean audit, which is the best type a CDD can receive. The Reports were submitted to the State, timely.

On MOTION for Bayside by Mr. Nicholson and seconded by Mr. Cramer, with all in favor, deferring the Fourth and Fifth Orders of Business to the next meeting, was approved.

MOTION for Bay Creek by Mr. Durney and seconded by Mr. Travers, with all in favor, deferring the Seventh and Eighth Orders of Business to the next meeting, was approved.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-05, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022

This item was deferred.

SIXTH ORDER OF BUSINESS

Consideration of Amendment No. 02 to the District Management Services Agreement for Lien Roll Services

Mr. Adams stated Ms. Alice Carlson, of AJC & Associates, submitted notice that she is retiring and will not renew her contracts with the CDDs, effective September 30, 2023. Thereafter, the services will transition to WHA. He presented Amendment No 2 to the District Management Services Agreement for Lien Roll Services.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, Amendment No. 02 to the District Management Services Agreement for Lien Roll Services, was approved.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, Amendment No. 02 to the District Management Services Agreement for Lien Roll Services, was approved.

BAY CREEK BUSINESS ITEMS

SEVENTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2022, Prepared by Grau & Associates

This item was deferred.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2023-07, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022

This item was deferred.

NINTH ORDER OF BUSINESS

Consideration of Amendment No. 02 to the District Management Services Agreement for Lien Roll Services

This item was considered during the Sixth Order of Business.

JOINT BUSINESS ITEMS

TENTH ORDER OF BUSINESS

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

Mr. Kayne reported the following:

- Salinity Testing Service Agreement: He and Mrs. Adams are working on the exhibits. This will be presented during the Thirteenth Order of Business.
- National Pollutant Discharge Elimination System (NPDES) Report: He and the District Manager are preparing the annual report, which is due at the end of October. The Report will be distributed to the Board Members prior to submitting it to the County and State.
- Parcel M & N Project: Staff was on site checking the status of the project. It appears there is a swale impact to allow for positive conveyance to Lake F-15. A 36" ADS pipe was temporarily installed, along with dewatering devices on site.

ELEVENTH ORDER OF BUSINESS

Waterway Inspection Report: July 2023 - SOLitude Lake Management, LLC

Mr. Sims presented the Monthly Report.

TWELFTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

There was no report.

B. Colony Landscape Committee

There was no report.

Mrs. Adams distributed Ms. Gravenhorst's July 20, 2023 email about the Committee's desire to install moonlighting.

THIRTEENTH ORDER OF BUSINESS

Consideration of Superior Waterway Services, Inc., Salinity Test Service Agreement

Mr. Nicholson stated that he asked Mrs. Adams to obtain this proposal because the fountain technicians stated salinity was the reason the Terzetta neighborhood fountains failed. For that reason, they turned off all the fountains but want them operational before season. Mrs. Adams voice her opinion that there will be high salt content in the lakes because of the drought and that it will take at least two years before it is flushed out; low water levels might be another reason the fountains were turned off. Mr. Adams expressed his opinion that salinity is not the reason the fountains failed, as it did not occur in his other CDDs; however, he thinks it is a good idea to test it before planting littorals.

Discussion ensued regarding the number of basins, testing locations, accounting for control elevations or nearby aerators, performing six tests and flooding along the western and southern perimeter.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the Superior Waterway Services, Inc., Salinity Test Service Agreement, in a not-to-exceed amount of \$1,000, subject to Mr. Kayne identifying the location, was approved.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Addison, with all in favor, the Superior Waterway Services, Inc., Salinity Test Service Agreement, in a not-to-exceed amount of \$1,000, subject to Mr. Kayne identifying the location, was approved.

FOURTEENTH ORDER OF BUSINESS

Discussion: CDD Maintenance and Operations Facility Space Optimization Study

Mr. Nicholson stated that he and Mr. Kemp prepared the document in the agenda, based on the Budget Workshop discussion that it is time to consider conducting a study about refreshing the Maintenance Facility.

The following change was made:

Page 4, Assumptions, first bullet point: Insert “and must be in compliance with the Development Order No. DOS-2007-00225, which is in place on the property, and requires that it be maintained in compliance with the DO in perpetuity, ” after “restrictions”

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, soliciting proposals in conformance with the CDD Maintenance and Operations Facility Space Optimization Study document, as amended, was approved.

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Travers, with all in favor, soliciting proposals in conformance with the CDD Maintenance and Operations Facility Space Optimization Study document, as amended, was approved.

Vendor recommendations should be sent to Mr. Adams.

Mr. Adams distributed and reviewed the revised and updated Payroll Increase Analysis spreadsheet Mr. Kemp prepared, which he incorporated into the proposed Fiscal Year 2024 budget, along with the changes arising from the Workshop. Overall, assessment levels will remain unchanged with the exception of General Fund 002 but surplus fund balance will be used to offset the assessment increase so the Fiscal Year 2024 assessments will be the same as in Fiscal Year 2023. This will eliminate the requirement to sending Mailed Notices to the property owners.

Mr. Durney stated that the payroll figures in the spreadsheet do not match those in the proposed Fiscal Year 2024 budget and asked if it includes the costs to engage additional landscape crews and secretarial support. Mr. Adams stated that the document in the agenda is outdated and does not include the costs for additional support.

Discussion ensued regarding reallocating funds to offset costs for additional support or utilizing the tracking software to manage personnel.

The following change was made to the proposed Fiscal Year 2024 budget:

Page 2, "Maintenance tracking software" line item: Increase to \$16,500

SIXTEENTH ORDER OF BUSINESS

Presentation of Monthly Year-End Financial Forecast

This item was discussed during the Seventeenth Order of Business.

SEVENTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2023

Mr. Adams stated that the Monthly Year-End Financial Forecast and the Unaudited Financial Statements as of June 30, 2023 were discussed in detail at the Budget Workshop and are included in the agenda for informational purposes.

EIGHTEENTH ORDER OF BUSINESS

Approval of June 26, 2023 Joint Regular Meeting Minutes

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Cramer, with all in favor, the June 26, 2023 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Mr. Travers and seconded by Ms. McVay, with all in favor, the June 26, 2023 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

NINETEENTH ORDER OF BUSINESS

Action/Agenda Items

Item 3: Mr. Adams outlined the Synovus Bank terms on investment opportunities, which could yield a better return. Some of his other CDDs will be using Synovus Bank.

Mr. McCarthy asked Mr. Adams to research Bayside CDD’s ability to charge interest on the funds loaned to Bay Creek CDD. Mr. Adams stated that the loan of funds to Bay Creek will be resolved before the end of Fiscal Year 2023.

The Action Items list will be updated following the meeting.

On MOTION for Bayside by Mr. Nicholson and seconded by Mr. Cramer, with all in favor, authorizing District Counsel to prepare a Resolution related to the Synovus Bank investment opportunities and for the Chair to execute, was approved.

On MOTION for Bay Creek by Mr. Travers and seconded by Ms. McVay, with all in favor, authorizing District Counsel to prepare a Resolution related to the Synovus Bank investment opportunities and for the Chair to execute, was approved.

TWENTIETH ORDER OF BUSINESS

Old Business

There was no old business.

TWENTY-FIRST ORDER OF BUSINESS

Staff Reports

A. District Counsel

- I. Gregory Urbancic, Esq., Coleman Yovanovich Koester, P.A.**
- II. Daniel Cox, Esq.**

There were no District Counsel reports.

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

There was no report.

- I. Monthly Status Report: Field Operations**

The Monthly Report was included for informational purposes.

Regarding Mr. Rodriguez', presentation, Mr. Willis discussed his professional background and experience with various programs like the SDPA. He thinks that, although the filters can be very effective, he knows of another CDD that is currently removing them, due to flooding from the last rain storm.

II. UPCOMING MEETINGS

- **August 28, 2023 at 2:00 PM [Fiscal Year 2024 Budget Adoption Hearings]**
 - **QUORUM CHECK: BAYSIDE IMPROVEMENT CDD**
 - **QUORUM CHECK: BAY CREEK CDD**

Bayside Supervisors McCarthy, Cramer and Nicholson confirmed their attendance at the August 28, 2023 meeting. Supervisors Montgomery and Gravenhorst will attend via phone.

Bay Creek Supervisors Addison, Travers and McVay confirmed their attendance at the August 28, 2023 meeting. Supervisors Janek and Durney will attend via phone.

TWENTY-SECOND ORDER OF BUSINESS

Supervisors' Requests

Ms. Gravenhorst stated she had difficulty hearing when the meeting minutes were reviewed. She notified Staff of the following change to the June 26, 2023 minutes:

Line 104: Change "Ceola" to "Cielo"

TWENTY-THIRD ORDER OF BUSINESS

Public Comments: Non-Agenda Items

No members of the public spoke.

TWENTY-FOURTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 3:21 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**BAYSIDE IMPROVEMENT/BAY CREEK CDDS
FOR BAYSIDE IMPROVEMENT**

July 31, 2023


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair