

**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 September 23, 2024 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:

Walter McCarthy	Chair
Bernie Cramer	Assistant Secretary
Gail Gravenhorst	Assistant Secretary
Karen Montgomery	Assistant Secretary

Present for Bay Creek CDD:

James Janek	Chair
Robert Travers	Vice Chair
Jerry Addison	Assistant Secretary
Mary McVay	Assistant Secretary
Gary Durney	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Greg Urbancic (via phone/Zoom)	District Counsel
Frank Savage (via phone/Zoom)	District Engineer
Andy Nott	Superior Waterway
Jim Hoppensteadt	Pelican Landing General Manager
Gary Gibb	PLCA Landscape Committee Chair
Dean Francis	Resident/LL Village Association

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, all Supervisors were present.

For Bayside Improvement CDD, Supervisors Cramer, Gravenhorst, Montgomery and McCarthy were present. Supervisor Nicholson was not present.

Mr. McCarthy stated that he would like to clarify a point of order discussed at the last meeting. He stated that the CDDs do not follow Robert’s Rules of Order; CDDs are governed by their own Rules of Procedure and any Board Member may make a challenge at any time with the consent of the Board and/or Boards.

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

No members of the public spoke.

FOURTH ORDER OF BUSINESS

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

Mr. Savage stated that work on the draft National Pollutant Discharge Elimination System (NPDES) Annual Report is underway.

The Report will be included in the next meeting agenda.

FIFTH ORDER OF BUSINESS

Treatment Report: August 2024 - Superior Waterway Services, Inc. (Andy Nott)

The monthly Treatment Report was included for informational purposes.

Mr. Nott stated that all lakes are being treated for algae and Chara, as necessary, with an extra five-man crew performing walking treatment applications to littorals to minimize collateral

damage. Water testing was performed last month; the nutrient test results for phosphorus and nitrogen were just received and will be presented at the next meeting.

Mr. Nott reviewed the handout documenting the results of E. coli water testing and discussed the finding that four lakes have a higher E. coli concentration than they should, which can occur naturally; the lakes are in proximity to a preserve and the aviary is suspected. The lakes are not used for swimming and are not typically crystal clear, as they are generally high in organic material. Treatments are expensive and problems recur. The lake is scheduled to be retested at the beginning of the rainy season. Every lake with a high reading is tied to a preserve.

Mr. McCarthy noted that the lakes discharge and asked for additional testing. Mr. Nott estimated that the cost is \$235 per test.

The Board and Staff discussed the locations, drainage path, outflow for the lakes, testing and self-reporting of results. Mr. Nott stated that he requested information regarding treatment options and a response is pending. It was noted that, when received, the results will be sent to the appropriate agencies to notify them of the situation.

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, authorizing Superior Waterway Services, Inc., to test Lake A-8 and Lake A-16 to determine the possible source of the E. coli contamination, in a not-to-exceed amount of \$500, was approved.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Durney, with all in favor, authorizing Superior Waterway Services, Inc., to test Lake A-8 and Lake A-16 to determine the possible source of the E. coli contamination, in a not-to-exceed amount of \$500, was approved.

Mr. McCarthy noted that treatment dates in the Report go back to August 1, 2024 and treatments were being applied last week. Mr. Nott stated that, due to the time needed to collect data and prepare reports, the data in the report is typically one month behind.

Mr. McCarthy stated that Alligator weed is still prevalent in A-2. Mr. Nott stated that the Alligator weed is the worst it has been in a long time; he will make sure that it is addressed.

Mr. Durney voiced his opinion that Lakes D-8 and D-9 are the largest aviary areas and expressed surprise that those areas do not have an issue given the number of birds. Mr. Adams

stated that there is a large shelf in the area. Mr. Nott and Mrs. Adams stated that, while the issue has occurred at Lake A-16 before, there have been no issues at Lakes D-8 and D-9.

SIXTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Mr. Hoppensteadt stated the Landscape Committee met and the general feeling is that O'Donnell Landscaping's work by the entry monuments has met expectations. They are waiting for the October plantings by the CDDs but the beds meet expectations and comments have been positive. Regarding the budget constraints, other areas requested PLCA money for landscaping; it has been a difficult year for numerous reasons and further expenditures are on hold until Fiscal Year 2025.

Mr. Cramer voiced his opinion that the Landscape Committee was created to report to the CDDs and the PLCA but he does not think that happens. In watching meetings, he feels that there is a lot of discussion but virtually no real direction is given. He expressed concern because the CDDs do not get involved; while a Board Member attends PLCA meetings, no information is brought back to the Boards. He noted that there is no money in the budget, stated he is not happy with the way the Landscape Committee operates and asked for a report to be provided. He noted that Mr. Kemp once spent three hours at a meeting, which he feels is a poor use of Mr. Kemp's time; he expressed support for better communications and decision making.

Mr. Hoppensteadt recalled that, several months ago, he agreed to deliver PLCA Landscape reports to the CDDs. He apologized for not being able to stay through the end of the last meeting, as it ran longer. He thinks that the collaboration and cooperation between himself and CDD Staff has been exemplary and stated that Mr. Adams, Mrs. Adams and Mr. Kemp have been very responsive. He thinks it would be a misrepresentation to say the PLCA and the CDDs are not working together. If there is a desire for further Board interaction that would be one thing but he thinks that assembling the two Boards would be difficult. He is happy to do more reporting if desired. He stated the community has benefited from rain and voiced his opinion that, in the six months he has been here, the appearance of the community has improved dramatically and he credits Mr. Kemp of the CDDs with the majority in the improvement.

Mr. Cramer voiced his observations about PLCA meetings and took issue with an instance in which he observed a contractor giving direction to the PLCA Landscape Committee. He referred to a 2016 report and noted that reports are no longer received.

Mr. McCarthy asked if the PLCA Landscape Committee is required to keep meeting minutes. Mr. Hoppensteadt replied affirmatively; he stated that he has not missed a meeting, and all meetings are recorded and online.

Ms. McVay voiced her concern that crotons are proposed on Pennyroyal, given that the CDDs do not have any crotons; in her opinion, it is more important for the community to have a uniform look. She stated the existing plants have lived for 30 years whereas crotons are fragile and susceptible to whitefly.

Ms. Gravenhorst voiced her belief that crotons were proposed in response to resident requests for more color. She discussed the plantings proposed, removed and replaced and noted that Mr. Kemp was asked to attend PLCA Landscape Committee meetings to comment on viability of proposals due to the cost of maintenance and because the Landscape Committee Members are volunteers. She stated that the Landscape Committee Members accept Mr. Kemp's input and advisement that the CDDs will be able to maintain selected plantings affordably.

Ms. McVay recalled that, when she served on the Design Review Committee (DRC) for her community, Mexican Petunias were not allowed. Mr. Adams stated that there was some discussion regarding the variety of Mexican Petunias and Staff was assured that this particular variety is not the invasive type. Ms. McVay voiced her opinion that it is important to communicate that information.

Ms. Montgomery stated her feeling that it is incumbent on the Board Members to keep assessments low; she noted rising labor costs and thinks that costs should be cut where they can, given that the potential addition of Renaissance property could have a dramatic impact on the budget. Mr. Cramer expressed his opinion that overall responsibility for the property could fall to individuals rather than the Boards. Ms. Montgomery stated she appreciates Mr. Hoppensteadt's presence and voiced her opinion that the CDDs cannot control the dynamics within the Landscaping Committee except to speak when it is not serving the CDDs' purpose to do a good job on behalf of the community.

B. Colony Landscape Committee

The Report was included for informational purposes.

SEVENTH ORDER OF BUSINESS

**Discussion: Maintenance Site Deferred
Maintenance Summary of Costs**

Mr. Adams presented the Maintenance Site Deferred Maintenance Summary of Costs and proposals, which range from \$112,670 to a maximum of \$128,343.

Mr. McCarthy discussed the need to further define the scope of work and suggested asking Johnson Engineering to develop the plan for the Zoning Amendment, given that they developed the original plans.

Discussion ensued regarding budgeting and a two-thirds, one-third cost share on split costs, use of Unassigned Funds and deferred maintenance items.

Mr. Adams estimated that Bay Creek CDD might incorporate a short-term note of approximately \$100,000 into the budget.

Mr. Cramer appreciated Mr. Adams noted that permitting in unincorporated Lee County is a challenge. Mr. Adams stated that it is time-consuming, as there is still a backlog at the permitting level.

Mr. Adams will schedule a call with Mr. McCarthy and Johnson Engineering.

Mr. Kemp and Mr. Willis will serve as points of contact for contractors.

EIGHTH ORDER OF BUSINESS

**Presentation of Monthly Year-End Financial
Forecast (under separate cover)**

The Monthly Year-End Financial Forecast was emailed to the Boards.

Mr. Adams discussed an adjustment to account for the August expenditures, as the financials were impacted because three pay periods occurred in August.

NINTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of August 31, 2024**

A Board Member asked Mr. Adams if the revenue projections were adjusted to reflect actuals for the current year. Mr. Adams replied affirmatively; typically, the budget posted on the CDD websites reflects actuals through March 31, however, the Fiscal Year 2025 budget reflects the actuals through June 30, 2025.

The financials were accepted.

TENTH ORDER OF BUSINESS

Approval of August 26, 2024 Joint Public Hearings and Joint Regular Meeting Minutes

The following change was reflected in the meeting notes:

Line 133: Change “2023/2024” to “2024/2025”

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Addison, with all in favor, the August 26, 2024 Joint Public Hearings and Joint Regular Meeting Minutes, as amended and to include any changes submitted to Management, were approved.

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, the August 26, 2024 Joint Public Hearings and Joint Regular Meeting Minutes, as amended and to include any changes submitted to Management, were approved.

ELEVENTH ORDER OF BUSINESS

Action/Agenda Items

It was noted that the Action Items list will be updated following the meeting.

TWELFTH ORDER OF BUSINESS

Old Business

There was no old business.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Coleman Yovanovich Koester, P.A. [Gregory Urbancic, Esq.]

There was no report.

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

I. Monthly Status Report: Field Operations

The Monthly Report was included for informational purposes.

II. NEXT MEETING DATE: October 28, 2024 at 2:00 PM

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

All Bayside Supervisors confirmed their attendance at the October 28, 2024 meeting.

Bay Creek Supervisors Addison, Travers, Janek and McVay confirmed their attendance at the October 28, 2024 meeting. Supervisor Durney will not be present.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. McVay asked if the bushes that were killed were replaced. Mr. Adams stated that they were on order and they should have been installed by now.

Discussion ensued regarding impending Hurricane Helene, as follows:

- A communication was sent to homeowners.
- PLCA contractors performing road cleanup will have priority.
- Outside contractors cannot access the community until the roadways are cleaned up.
- Contracts were executed with Expert for roadway cleanup outside The Colony and with Johnson for roadway cleanup inside The Colony.

FIFTEENTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

No members of the public spoke.

SIXTEENTH ORDER OF BUSINESS

Adjournment: [Bayside Improvement CDD]

On MOTION for Bayside by Ms. Montgomery and seconded by Ms. Gravenhorst, with all in favor, the Bayside Improvement CDD meeting adjourned at 2:57 p.m.

BAY CREEK BUSINESS ITEMS

SEVENTEENTH ORDER OF BUSINESS

Discussion/ Consideration: Proposed Amendments to Irrigation Rates

Mr. Adams recalled that a 21% increase to the base rate was approved last year. He presented the “Irrigation Revenue Three Year Trend” and the “Irrigation Monthly Base Charge Analysis” and noted that the City of Bonita Springs Utilities base charge, as of June 1, 2023, was \$8.68 per month, per unit, which does not include any water usage.

The Board and Staff discussed monthly billing, which will include the monthly base charge plus consumption-based usage charges.

It was noted that the monthly base charge is intended to stabilize revenue and, although the base rates increased 21% last year, no additional revenue was earned due to efficient irrigation usage.

Discussion ensued regarding uses of extra operating income, the need to increase fund balance, water usage and public hearing processes.

Mr. Adams stated most of the irrigation water supply is effluent. He recommended seeking a waiver to allow for watering during blackout dates.

- **Authorization to Schedule Public Hearing: October 28, 2024 at 2:00 PM**

The consensus was to advertise the Public Hearing with a proposed base change of \$7.00. The Public Hearing will be scheduled for the October meeting or for the December meeting, if time does not allow for two advertisements in advance of the October meeting.

EIGHTEENTH ORDER OF BUSINESS

Adjournment: [Bay Creek CDD]

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Durney, with all in favor, the Bay Creek CDD meeting adjourned at 3:22 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair