

**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 7, 2020 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134. The public were able to participate, via Zoom, at <https://us02web.zoom.us/j/87591245978>, and 1-929-205-6099, Meeting ID 875 9124 5978 for both.

For Bayside Improvement CDD, present were:

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

For Bay Creek CDD, present were:

Mary McVay	Chair
Robert Travers	Vice Chair
James Janek	Assistant Secretary
R. Gary Durney	Assistant Secretary
Jerry Addison (via phone)	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Tammie Smith	Operations Manager
Dan Cox	District Counsel, Bay Creek CDD
Greg Urbancic	District Counsel, Bayside Improvement CDD
Wes Kayne	District Engineer
Tim Denison	Johnson Engineering
Christina Kennedy	SOLitude Lake Management (SOLitude)
Steve Backman	PLCA General Manager
Doug Kucera	Field Manager
Paul Kemp	Irrigation Manager
Joanna Muller	Resident/PLCA Landscape Committee
Marilyn Price	Resident/PLCA Landscape Committee Chair and PLCA Board Member
Gail Gravenhorst	Resident

Anne Cramer

Resident

FIRST ORDER OF BUSINESS

Call to Order/Phone Silent Mode/Pledge of Allegiance

Mr. 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 Janek, Travers, Durney and Addison were present. Supervisor McVay was not present at roll call. For Bayside Improvement CDD, all Supervisors were present.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

No members of the public spoke.

BAYSIDE IMPROVEMENT CDD ITEMS

FOURTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Bayside Improvement CDD Supervisors, Karen Montgomery [Seat 1] and Walter McCarthy [Seat 3] and William Nicholson [Seat 5] (*the following to be provided in separate package*)

Mr. Adams a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. McCarthy and Ms. Montgomery. Mr. Nicholson's Oath of Office was received.

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment of Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**
- D. Form 8B, Memorandum of voting Conflict**

Mr. Adams stated that the Oath of Office should be sent to him and the slightly different Oath of Office must be sent to the Division of Elections office, along with payment.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2021-01,
Designating a Chair, a Vice Chair, a
Secretary, Assistant Secretaries, a
Treasurer and an Assistant Treasurer of the
Bayside Improvement Community
Development District, and Providing for an
Effective Date**

Mr. Adams presented Resolution 2021-01. Mr. Bill Nicholson nominated Mr. McCarthy as Chair. Mr. McCarthy nominated Mr. Cramer as Vice Chair. Mr. Cramer nominated Mr. Bill Nicholson as Vice Chair. Mr. McCarthy withdrew his nomination of Mr. Cramer as Vice Chair. No other nominations were made. The slate of officers was as follows:

Chair	Walter McCarthy
Vice Chair	Bill Nicholson
Secretary	Chesley (Chuck) E. Adams, Jr.
Assistant Secretary	Bernie Cramer
Assistant Secretary	Jim Nicholson
Assistant Secretary	Karen Montgomery
Assistant Secretary	Craig Wrathell
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Montgomery, with all in favor, Resolution 2021-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Bayside Improvement Community Development District, as nominated, and Providing for an Effective Date, was adopted.

Ms. McVay joined the meeting at 2:07 p.m.

BAY CREEK CDD ITEMS

SIXTH ORDER OF BUSINESS

**Administration of Oath of Office to Newly
Elected Bay Creek CDD Supervisors, Jerry**

**Addison [Seat 1] and James Janek [Seat 3]
(the following to be provided in separate
package)**

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Janek. Since Mr. Addison was attending via telephone, he was asked to have a Notary administer the Oath of Office and return the notarized form to Mr. Adams.

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment of Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**
- D. Form 8B, Memorandum of voting Conflict**

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2021-01,
Designating a Chair, a Vice Chair, a
Secretary, Assistant Secretaries, a
Treasurer and an Assistant Treasurer of the
Bay Creek Community Development
District, and Providing for an Effective Date**

Mr. Adams presented Resolution 2021-01. Mr. Janek nominated the following slate of officers:

Chair	Mary McVay
Vice Chair	Robert Travers
Secretary	Chesley (Chuck) E. Adams, Jr.
Assistant Secretary	Jim Janek
Assistant Secretary	Gary Durney
Assistant Secretary	Jerry Addison
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. Durney, with all in favor, Resolution 2021-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Bay Creek Community Development District, as nominated, and Providing for an Effective Date, was adopted.

JOINT BOARD ITEMS

EIGHTH ORDER OF BUSINESS

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

There being no report, the next item followed.

NINTH ORDER OF BUSINESS

Lake Maintenance Report: *SOLitude Lake Management*

Ms. Kennedy presented the November and December Reports and noted the following:

- Lakes A-3, A-5, D-7, E-8, E-9, F-5 and B-5 needed additional treatments for torpedograss brush, surface algae, submersed vegetation, slender spikerush, alligator weed and chara.
- Aeration and nano-bubblers at Lakes E-1 through E-5 and A-18 were inspected in November and the aeration systems in all ponds were re-inspected in December. The systems in Lakes E-3, E-4 and E-5 were properly functioning under the new operating hours.
- Since installed, the units had made a positive impact. Inspection of the ponds and units in Lakes E-1, E-2 and E-3 would continue and the findings on the units running part time and photographs would be presented at the next meeting. Observations for each pond were the Management Summary of every Report, which typically does not include every picture.

Ms. Kennedy discussed the December Report, which was emailed separately, as follows:

- Lakes A-14, D-15, E-10, F-7, F-10 required additional treatments for issues such as torpedograss algae and vines, cattails and sea grapes.
- Littoral plantings would begin turning dark brown and thin out, which typically occurs during the dormant winter period.

Mr. Janek noted that the Report should be corrected to indicate that Lake D-14 is located in The Pointe, not Costa Del Sol.

In response to Mr. Cramer's request to review DO levels in Lake A-18 and the suggestion to resolve this the same way as at Palm Colony, Ms. Kennedy stated that Mr. Carnall, SOLitude

Fountain Aeration Manager, advised that the aeration system was abnormally loud. A different cabinet should be installed, as the padding added was not enough to dampen the noise.

Per Mr. McCarthy's request, Ms. Kennedy would have the technician include clearing the alligator weed accumulating along the bank on the resident side, to the Lake A-2 inspection.

TENTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

A PLCA Landscape Committee Representative was not present, as they were in another meeting. Mr. Cramer asked Ms. Gravenhorst to relay several of his questions and concerns to the Landscape Committee related to the activities at the entrances, known as North, Center and South, such as who was the on-site point of contact, sand bags falling into the catch basins and who was funding the changes to the street lighting.

Ms. Gravenhorst reviewed the landscape and gatehouse project and suggested relaying the concerns to the General Manager, in writing. Mr. McCarthy referred to the Best Management Practices for the catch basins and suggested possibly involving the City of Bonita Springs, if not in compliance. Mr. Adams would email the concerns to Mr. Backman. Discussion ensued regarding the perception that the middle entrance was not aligned properly.

B. Colony Landscape Committee

Mrs. Adams distributed the Report during the meeting. Mr. Jim Nicholson was appointed to attend the quarterly landscape review meeting, scheduled on December 14, 2020.

C. Water Quality Task Force

Ms. Montgomery and Mr. Durney reported the following actions resulting from the first Water Quality Task Force (WQTF) organizational meeting:

- WQTF Representatives: Mr. Shinouskis, for the PLCA Board, Ms. Gravenhorst, for The Colony Foundation Board, and Mr. Zimmerman, for The Pelican Nest Golf Course.
- WQTF was currently preparing a Communications Plan to present at the next meeting.
- Future Water Quality Testing would require funding.

Mr. Cramer discussed his concerns about creating a task force, as opposed to a Committee, that does not require documenting meeting notes and did not have funding to address issues. He recommended seeking community support on these efforts. Ms. McVay stated that Bay Creek needed to be included in the water survey.

Ms. Marilyn Price, a resident, PLCA Board Member and PLCA Landscape Committee Chair, introduced herself.

A water sampling plan and locations, participants and voting representatives in each community attending the meetings, were discussed. The Task Force webinar meeting would be December 16, 2020 at 1:00 p.m. Mr. Shinouskis' notes would be sent to the Boards. Mr. Cramer would send an article about tire particles contaminating the San Francisco Bay to Mrs. Adams to distribute to the Task Force. Ms. McVay stated a tire in Bay Creek was not removed.

ELEVENTH ORDER OF BUSINESS

Discussion/Consideration: Revised Disaster Response Agreement with PLCA

Mr. Adams presented redline and draft versions of the Revised Disaster Response Agreement with the PLCA; the items raised at the last meeting were incorporated.

Mr. Bill Nicholson was pleased with the revisions; however, he was strongly against the Districts being involved in the payment process and verbiage about the payment schedule that was in the document. He recommended tabling this item, as he did not think the CDDs should proceed with another agreement with Pelican Landing, especially when the PLCA Board discussed and motioned to disband the CDD at the Workshop. The discussion was available on audio and video and his meeting notes that were sent to Mr. Adams were distributed to the Boards. He noted that the PLCA created a Task Force and already held a meeting to determine whether parts or all of the CDDs should be replaced by the other service providers.

Ms. Price stated her understanding that the PLCA Board had no serious discussions or research right now to terminate or change its relationship with the CDDs and noted that, due to communication issues, two Task forces were created. She explained the purpose of each Task Force. Mr. Backman stated the PLCA Board and Staff had no desire to take on landscape maintenance responsibility of the common areas; however, awhile back the PLCA obtained landscaping bids to possibly take on landscaping the common areas, instead of having to go through the CDDs but decided not to proceed with it.

Mr. Adams stated that he would attend the February 2, 2021 PLCA meeting to give a PowerPoint presentation about the CDDs and schedule a separate Workshop with The Colony to clear up any details or misunderstandings related to the responsibilities in the Agreement.

Discussion ensued regarding communication issues between the CDDs and PLCA Board, landscape replacement, voting, Sunshine Law and workshops requested. Also discussed was the CDDs' suggestion about identifying which contractors the PLCA should engage in advance of a storm event, rather than the CDDs engaging contractors and being reimbursed once the PLCA pursues reimbursement from the Federal Emergency Management Agency (FEMA) and funding for storm events and billing the PLCA for debris clearing costs.

Mr. Cox noted that Paragraph 6 of the Agreement was crafted to protect the community and provide expediency to residents and first responders to access the community. He distinguished the differences between emergency response activities and cleanup, citing that the CDDs would engage and pay the contractors to prevent delays that could result in contractors leaving the area to work in other communities.

Ms. McVay asked about the PLCA obtaining a loan for emergency purposes. Mr. Adams stated the Districts can obtain a line of credit for gap funding purposes or the PLCA could initiate the loss assessment provision in homeowner policy and impose a special assessment.

Mr. Backman stated that the severability clause in the contract was the only item preventing the PLCA Board from executing the contract and now the contract was being rewritten. The Supervisors discussed whether to change the Agreement or continue discussions with the PLCA and keeping the process of District Staff engaging the contractors from past storm events. Mr. Adams suggested proceeding with reworking the Agreement and facilitate projects but, if the PLCA pays the contractors directly, the CDDs would not need to be involved.

Mr. Urbancic stated that the two issues to be resolved in drafting the Agreement were who would engage the contractors and who would pay the contractors. Having more entities involved with the contractors may cause communication issues and delays in payment may cause contractors to leave the project. If District Staff does not facilitate the contractors, the Agreement would have to be rewritten. Mr. Cox agreed with Mr. Urbancic's point that communication is key and someone needs to have authority to act during storm events. The Board Members continued voicing their opinions and concerns regarding funding large projects, changes in the FEMA process and no longer reimbursing CDDs, the PLCA assigning funds and bifurcating the Agreement in which the Districts engage the contractors and having the PLCA present it to its Finance Committee. The following changes would be made to the Agreement:

Throughout: Remove all references to the CDDs paying the bill and obtaining reimbursement from the PLCA and all clauses related to funding.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, authorizing Staff to revise the Disaster Response Agreement with PLCA, as presented by Mr. McCarthy, was approved.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, authorizing Staff to revise the Disaster Response Agreement with PLCA, as presented by Mr. McCarthy, was approved.

Mr. Cox and Mr. Urbancic would present a revised agreement at the next meeting.

TWELFTH ORDER OF BUSINESS

Update: Interlocal Agreement with Village of Estero for North Commons Drive and Walden Center Drive North

Mr. Adams stated that the Village of Estero added this item to its upcoming agenda.

THIRTEENTH ORDER OF BUSINESS

Consideration of Resolutions Relating to the Amendment of the Annual Budgets for the Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020

Mr. Adams presented Budget amendments for both Fiscal Years 2020 and 2021 to address appropriation overages in the General Funds and to roll balances from the uninsured asset funds into the General Funds of each District, split between surplus and unassigned surplus fund balance. This action ensures that there are no findings in the upcoming audit.

Mr. Bill Nicholson formally requested incorporating a "Year End Outlook" into the Financial Report, along with a formal approval and discussion process when costs are projected to exceed the budget. The Financial Report would be provided in excel format to Mr. Bill Nicholson to modify. Mr. Adams would discuss the changes with the Accounting Department.

A. Resolution 2021-02, *Bayside Improvement Community Development District*

Mr. McCarthy presented Resolution 2021-02.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Jim Nicholson, with all in favor, Resolution 2021-02, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020; and Providing For An Effective Date, was adopted.

- **Resolution 2021-03, *Bayside Improvement Community Development District***

This item, previously Item 14A, was presented out of order.

Mr. McCarthy presented Resolution 2021-03.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Jim Nicholson, with all in favor, Resolution 2021-03, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2020 and Ending September 30, 2020; and Providing For An Effective Date, was adopted.

- B. **Resolution 2021-02, *Bay Creek Community Development District***

Ms. McVay presented Resolution 2021-02.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Janek, with all in favor, Resolution 2021-02, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020; and Providing For An Effective Date, was adopted.

- **Resolution 2021-03, *Bay Creek Community Development District***

This item, previously Item 14B, was presented out of order.

Ms. McVay presented Resolution 2021-03.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, Resolution 2021-03, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2020 and Ending September 30, 2021; and Providing For An Effective Date, was adopted.

FOURTEENTH ORDER OF BUSINESS

Consideration of Resolutions Relating to the Amendment of the Annual Budgets for the Fiscal Year Beginning October 1, 2020 and Ending September 30, 2021

- A. Resolution 2021-03, *Bayside Improvement Community Development District***
- B. Resolution 2021-03, *Bay Creek Community Development District***

These items were presented during the Thirteenth Order of Business.

FIFTEENTH ORDER OF BUSINESS

Discussion: Proposed 2021 Key Objectives

Mr. Adams presented the following proposed 2021 Key Objectives requiring action:

- Item 2 – Provide reclaimed water to Bayside CDD: After given an overview of the design and permitting process for The Brooks to provide reclaimed water to Bayside CDD, Mr. Adams hoped to present designs at the next meeting and have modified permits within 30 to 60 days.
- Items 1 & 6 Improve Project and Staffing efficiency via implementation of the BOSS Project and Maintenance Tracking Program: Add numeric target, 3% decrease to the labor account, and, as efficiency in tasks improve, then reassign to another task; staff retention would not change. Mr. Kucera and Mr. Kemp would be notified to implement the target in the planning stage and BOSS program.
- Item 9 - Improve communications with PLCA and Colony Residents Committee: As requested, the Monthly CDD meeting agendas would be sent to Ms. Price.

SIXTEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of October 31, 2020**

Mr. Adams presented the Unaudited Financial Statements as of October 31, 2020. The financials were accepted.

SEVENTEENTH ORDER OF BUSINESS

**Approval of October 26, 2020 Joint Regular
Meeting Minutes**

Ms. McVay presented the October 26, 2020 Joint Regular Meeting Minutes.

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Montgomery, with all in favor, the October 26, 2020 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, the October 26, 2020 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

EIGHTEENTH ORDER OF BUSINESS

Action/Agenda Items

➤ Active/Ongoing New Items: Items 1, 2, 4, 5, 7 and 10 were completed.

Item 6: Ms. McVay would forward the proposal provided by Mrs. Adams to the HOA President for consideration to proceed with additional work that affects specific residents adjacent to the buffer easement at Bay Creek but was not part of the CDD permit requirements.

Item 9: Updated to provide a report at the January meeting.

➤ Active/Ongoing Carry Over from 09.28.20: Item 3 was completed.

Active/Ongoing Carry Over Older Than 09.28.20: Items 11, 4 and 13 were completed.

Item 13: Mr. Cox expected the City to be advertising for an Ordinance to create an administrative process to address CDD issues with the Stormwater Utility Tax, instead of having this matter resolved through the Circuit Court. This issue should be resolved by the end of February. Thus far, the costs expended were a few hundred dollars.

NINETEENTH ORDER OF BUSINESS

Old Business

There being no old business, the next item followed.

TWENTIETH ORDER OF BUSINESS

Staff Reports

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

Mr. Urbancic stated that the conference call with Mr. Cox and Mr. McCarthy was held to discuss the PLCA's Declaration Amendment; a response on the summarized comments Mr. Adams forwarded to the Documents Review Committee (DRC) was pending.

Future agendas: Add "Bay Creek District Counsel: *Daniel Cox, Esq.*" under Staff Reports

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

I. Monthly Status Report: Field Operations

The Monthly Status Report was included for informational purposes.

II. Draft Strategic Planning Objective

This item was addressed during the Fifteenth Order of Business.

III. NEXT MEETING DATE

- **January 25, 2021 at 2:00 P.M.**
 - **QUORUM CHECK: *BAYSIDE IMPROVEMENT CDD***

Supervisors McCarthy, Cramer and Jim Nicholson confirmed their attendance at the January 25, 2021 meeting. Supervisors Montgomery and Bill Nicholson would attend, via Zoom.

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

All Supervisors confirmed their attendance at the January 25, 2021 meeting.

TWENTY-FIRST ORDER OF BUSINESS

Supervisors' Requests

Mr. Cramer thanked Ms. Price for attending the meeting and for her acute knowledge of the financial position. He appreciated everyone's comments.

Mr. Durney asked if Mr. Adams received communication from Florida Power & Light (FPL) regarding converting streetlights in his neighborhood to LED. Mr. Adams stated that individual neighborhoods were paying a flat monthly fee, as FPL has not provided a street light schedule tariff form to convert to LED; those with meters were already converted to LED.

Ms. Montgomery asked for a tour of the community infrastructure to be scheduled. Mr. Adams would schedule the tour early in 2021.

A Board Member asked if other neighborhoods had an agreement to take care of fallen trees from a storm event. It was noted that not every neighborhood owns the roads.

Regarding the State and CDD Oaths of Office, Mr. Adams advised to remit the State form and payment to the Division of Elections and remit the other to him.

A Board Member asked for removal of the cobwebs in the light fixtures throughout The Ridge. Mrs. Adams would have Bentley Electric Company address it throughout the community.

TWENTY-SECOND ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

There being no public comments, the next item followed.

TWENTY-THIRD ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 5:08 p.m.

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

December 7, 2020


FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair