

**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 6, 2021 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 in the Joint Regular Meeting via Zoom, at <https://us02web.zoom.us/j/88969163185>, and via conference call, 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 (via telephone)	Chair
Robert Travers	Vice Chair
Mary McVay	Assistant Secretary
R. Gary Durney (via telephone)	Assistant Secretary
Jerry Addison	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Shane Willis	Operations Manager
Dan Cox (via Zoom)	District Counsel, Bay Creek CDD
Greg Urbancic (via Zoom)	District Counsel, Bayside Improvement CDD
Wes Kayne	District Engineer
Christina Kennedy (via Zoom)	SOLitude Lake Management (SOLitude)
Roy Hyman	PLCA General Manager
Marilyn Price (via Zoom)	Resident/PLCA Board Member & Landscape Committee Chair

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

December 6, 2021

William "Bill" Packard
Charlotte McCarthy
Jack McKinney
Eick Peterson
Anne Cramer

Resident/PLCA Board
Resident
Resident
Resident
Resident

FIRST ORDER OF BUSINESS

**Call to Order/Phone Silent Mode/Pledge of
Allegiance**

Mr. Travers 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, all Supervisors were present in person. For Bay Creek CDD, Supervisors McVay, Addison and Travers were present in person. Supervisors Janek and Durney were not present at roll call.

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.*

There was no report.

FIFTH ORDER OF BUSINESS

Waterway Inspection Report: *SOLitude Lake Management*

This item was presented following Item 6A.

SIXTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Ms. Price reported the following, regarding the PLCA Landscaping plans emailed to the CDD Boards on December 6, 2021:

- The Springs Creek project was the only project completed from the original JRL Grand Master Plan, which is no longer feasible.
- Pelican Colony Boulevard Project: They are working on a new plan with Mr. Joyce, the Arborist familiar with the Village of Estero to remove about 20 damaged trees.
- Boulevard One Project would start at Colony Circle and end in front of Sanctuary.
- Boulevard Two Project starts just east of Sanctuary to Waterside.

The Committee would continue to work with Mr. Adams on the understory plants.

Ms. Price was asked to submit a bullet point report to include in the agenda package. Ms. Price suggested holding a workshop. Ownership of the south entrance was discussed.

Mr. Janek and Mr. Durney joined the meeting, via telephone.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Addison, with all in favor, authorizing Mr. Janek and Mr. Durney's attendance and full participation, via telephone, due to exceptional circumstances, was approved.

▪ **Waterway Inspection Report: *SOLitude Lake Management***

This item, previously the Fifth Order of Business, was presented out of order.

Ms. Kennedy presented the November Monthly Report and reported the following:

- The December Report would be combined with the January Report, as it was not included in the agenda package.
- Lakes A-2, A-5, A-17 and D-14 required further attention to treat shoreline weeds for torpedo grass, alligatorweed and vines growing in the littorals.
- Lake E-9: The follow up treatment of the littorals was successful.
- All nano-bubbler machines are operational, except in Lake E-5. Parts are delayed, due to supply chain issues.

➤ Lake E-5 Bacteria Study was completed; she hoped to present the results at the next meeting.

Mr. McCarthy asked Ms. Kennedy to begin taking pictures at the weir and retaining wall area of Lake A-2, as this is a constant source of issues with grass clippings from the golf course.

Discussion ensued regarding the Pelican's Nest Golf Course (PNGC) response, efforts towards keeping grass clippings from the lakes, indemnity, City of Bonita Springs settlement deeming the CDDs regulatory authorities, golf courses implementing Best Management Practices (BMPs) by eliminating grasses and replacing with plantings to filter runoff and reducing fertilizer and asking the PNGC to prepare a remediation plan.

Mr. Adams discussed his research regarding using certain equipment to prevent this ongoing issue and how the PNGC implemented BMPs, such as installing a rough edge and setting the turf line back during the rainy season. He wants to come up with a cooperative solution instead of demanding a remediation plan, as Mr. Zimmerman is known for his stewardship of golf courses and is on the Water Quality Task Force (WQTF) and several other committees.

Discussion ensued regarding who to fault and identifying what is causing the high nitrogen levels. It was noted the Florida Gulf Coast University (FGCU) study identified that the highest phosphorus/nitrogen levels are all in lakes that are on golf courses.

Mr. Cox stated that he has participated in the same conversation for over 23 years and recommended sending a notice demanding that they address the issue and convey the CDDs' intent to turn this matter over to the City of Bonita Springs to take regulatory actions to enforce implementation of some BMPs that will address the problem. Mr. Adams stated he would convey the message to Mr. Zimmerman.

B. Colony Landscape Committee

The report was included for informational purposes.

C. Water Quality Task Force

Ms. Montgomery and Mr. Durney reported the following from the November 12, 2021 WQTF Preliminary Recommendations Report, which was distributed during the meeting and reviewed by all parties:

- The WQTF consensus was that no additional testing is needed. All parties concluded this from the data collected and from taking certain actions to reduce total nitrogen levels. Mr. Zimmerman participated in the meeting via telephone and Mr. Durney was not present.
- Development of a Communication Plan that collectively involves all stakeholders, broadcasting information and education.
- WQTF to present Reports to the HOA Presidents to begin communications to the community, asking them to help with a grassroots movement to educate homeowners.
- Implement 15' protective zone and not applying fertilizer.
- Create Pilot Project with volunteer leaders, comprised of HOA Members and homeowners, to demonstrate reduced fertilizer application benefits.
- Increase littoral plantings and start researching floating islands. Mr. Adams defined floating islands and materials that could be used.

Mr. McCarthy noted that the City of Bonita Springs' focus is different than the WQTF. Ms. McVay recommended implementing a test study in Bay Creek CDD (BCCDD) to reduce reclaimed water, with the BCCDD taking a leadership position, and requiring landscapers in Pelican Landing to use certain fertilizers, with a 10' or 15' buffer around the lakes.

Discussion ensued regarding the Lee County Fertilizer Ordinance. Mr. Cox stated the CDD's opportunity was to send the PNGC notice for BMPs; otherwise, the matter would be turned over to the City of Bonita Springs.

- As reclaimed water use at BCDD is a significant factor, the CDDs were asked and provided a map showing the location of reclaimed water use for irrigation so they can identify hot spots.
- Research a partnership with the City of Bonita Springs and determine if grants are available to the CDDs.
- The WQTF's next meeting will be January 14, 2022.
- The Assistant City Manager, Mr. Matt Feeney, will be invited to attend the WQTF meeting.
- The Explanation of Implementing the Golf Course 15' Exclusion Policy, by Mr. Rod Koker of the Colony County Club, was included in the Report for informational purposes.
- The plan is to explore areas where larger "No Mow Zone Buffers" or alternatives for grass at the pond edges can be implemented without cost or negative impact to property values.

Mr. Cramer thanked the WQTF for its efforts and stated his feeling that the CDDs should start with their own in-house process of setting standards for Mr. Adams to convey to Mr. Zimmerman and for working with the PLCA.

SEVENTH ORDER OF BUSINESS

**Continued Discussion: Johnson's Tree
Service Estimate for Palm Pruning Project**

- **Bayside/Bay Creek Palm Pruning Analysis**

Mr. Adams presented the Palm Pruning Analysis to outsource the palm pruning project, which would enable completion of the project within four to six weeks, as opposed to in-house staff taking three to four months to complete. The cost would be offset by removing two entry level landscape crew positions. Mr. Kucera confirmed this would not affect his program or result in any drop in the level of services.

Mr. Nicholson and Mr. Janek stated that Johnson's Tree Service, the lowest bidder, was engaged for other organizations and always provides excellent service. Mr. Adams responded to questions regarding vendors, responsibility of the CDDs to repair damaged sprinkler heads, staff retention and a request to implement a program to train landscape staff to take on more responsibility and supervise projects. Mr. Adams stated that the bid included debris removal; he would confirm whether the dumpster cost is too low. While this approach would enable removal of two positions, it would allow for one to be reinstated. He stated that they would need to address the issue of entry level wages to maintain existing Staff, as other companies offer much higher wages, due to staff shortages. Mr. Adams was asked to provide a final cost savings report, once the Fiscal Year 2022 budget ends.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Nicholson, with all in favor, the Johnson's Tree Service & Stump Grinding proposal for the Palm Pruning Project, in a not-to-exceed amount of \$65,000, was approved.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, the Johnson's Tree Service & Stump Grinding proposal for the Palm Pruning Project, in a not-to-exceed amount of \$65,000, was approved.

EIGHTH ORDER OF BUSINESS

Presentation of Expanded Financial Statement Schedules *(to be provided under separate cover)*

Mr. Adams distributed and presented the Expanded Financial Statement Schedules, which would also be emailed to the Boards prior to the meetings. It would not be included in the agenda packages, due to the timing of when the agenda packages are shipped. This is a supplement to the Unaudited Financial Statements. As Mr. Nicholson and Mr. Durney reported they did not receive the email, Corporate would review the email distribution list and make any necessary corrections.

This item would remain as a monthly agenda item.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2021

Mr. Adams presented the Unaudited Financial Statements as of October 31, 2021. The financials were accepted.

TENTH ORDER OF BUSINESS

Approval of October 25, 2021 Joint Regular Meeting Minutes

Mr. Travers presented the October 25, 2021 Joint Regular Meeting Minutes.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Nicholson, with all in favor, the October 25, 2021 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 October 25, 2021 Joint 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, as the wrong version was put in the agenda package.

TWELFTH ORDER OF BUSINESS

Old Business

Mr. Durney asked when the public hearing to hear comments on the irrigation rate increase would be held. Mr. Adams stated that it would be held in January 2022.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

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

Mr. Urbancic stated that new legislation allowing local governments to conduct virtual meetings, in emergency situations, would be presented once finalized.

II. *Daniel Cox, Esq.*

Mr. Cox concurred with Mr. Urbancic's analysis of new legislation that effects CDDs. Regarding water quality matters, he stated that the CDDs now have water quality authority that they never had before, where the City of Bonita Springs can help with their regulatory authority to accomplish the goals this community has had for years.

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

I. Monthly Status Report: Field Operations

• Discussion/Presentation: Monthly Report Narrative

The Monthly Status Report was distributed and Mrs. Adams reported the following:

- Lake Maintenance Contract: SOLitude was the sole respondent to the Request for Proposals (RFP) bid request and the bid price was less than the current contract expiring January 2022. This item would be placed on the next agenda.
- Littoral planting at Lakes A-28 and A-29 was completed.
- Tract D/Bay Creek Drive Update: District Counsel's costs were received and would be included in the invoice to the homeowner. The South Florida Water Management District (SFWMD) response to the Consent Order was pending and the CDDs consideration for the end time contribution was denied.

II. NEXT MEETING DATE: January 24, 2022 at 2:00 P.M.

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

The next meeting would be held on January 24, 2022.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Nicholson asked who owns the Terzetto monument and how ownership can be determined. Mr. Adams believed the Terzetto Homeowners Association (HOA) owns it and stated that the CDDs typically maintain monuments in communities without an HOA and include it as a budget line item.

A Board Member asked for an update on the Ridge monument being cleaned. Mrs. Adams stated she would find out if the vendor can complete it after the holidays.

Ms. McVay recalled that she emailed Mrs. Adams and Mr. Kucera, a month ago about fixing the seven street lights in Spring Creek. Mrs. Adams would contact Bentley Electric.

Mr. Adams highlighted Mr. Kemp's report about the revamping of the Bayside Pump Station to be done on January 3 through January 17, 2022, which was an extension from the January 11, 2022 completion. He stated that service would continue but they should expect only two-thirds power during this project. A notice would be sent to Mr. Hyman to send an e-blast.

FIFTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

Resident and PLCA HOA Board Member Bill Packard thanked the Boards for a very informative meeting. Speaking as a homeowner, he asked the Boards to reconsider the Seventeenth Order of Business granting the Consent to Use of Easement Agreement and the request to construct a retaining wall behind other properties, as he was concerned about setting precedent, since the Agreement speaks on access to the lakes but does not address drainage control, littorals or erosion.

Ms. Gravenhorst asked that Mr. Adams and Laurel be approved to establish a workshop with the CDD and PLCA Boards and Managers in January, to work through and codify certain aspects about the PLCA redesign, monuments and actions taken in instances of a hurricane or emergency. This request would also be presented at the PLCA December meeting. She stated that three PLCA Board Members confirmed their attendance and another was waiting to commit.

SIXTEENTH ORDER OF BUSINESS

Adjournment (Bayside Improvement CDD)

There being no further Bayside business to discuss, the Bayside CDD meeting adjourned.

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Montgomery, with all in favor, the meeting adjourned at 3:51 p.m.

SEVENTEENTH ORDER OF BUSINESS

Discussion/Consideration: Consent to Use of Easement Agreement for Continued Encroachment of Retaining Wall and Landscape, McKinney Residence, 25131 Ridge Oak Drive

Mrs. Adams stated that she and Mr. Kanye reviewed the documents and Agreement, which was the same as the prior one that was approved, and saw no issue approving the homeowner's request to replace the existing retaining wall. Photographs were passed around.

Mr. Kayne stated he toured the area before the meeting and noted that a portion of the southwest existing retaining wall, which is about 20 years old, is washed out because of the

downspout, which the homeowner must repair to prevent future damage. He discussed the homeowner's plans, upgraded materials that would be used to replace the existing wall and the cost. He stated that the 20' length of maintenance easement is within the homeowner's private property. He saw no issue with accessing Lake D-11 as it is abutted by eight large estate lots.

Mr. McCarthy voiced his opinion that the request should be denied since the wall was not permitted and they cannot obtain a permit. He felt that, instead, the area should be graded to 4:1, where it pools down to the lake. The current slope was discussed. It was noted that the Design Review Committee (DRC) approved these plans contingent upon CDD approval.

Mr. Cramer stated that the Covenants do not allow homeowners to build a wall that faces a lake. He agreed with Mr. McCarthy that the homeowner never obtained a permit for the wall.

Mr. Adams suggested approval of the Agreement, subject to the homeowner returning the slope to 4:1, which would bring the CDD into compliance with the SFWMD permit and resolve the permit compliance and liability issues. He suggested Mr. Cramer discuss the Covenants with the DRC.

Ms. McVay suggested deferring this until the homeowner submits a survey and permit for the wall to the CDD. She felt that, in addition to the DRC, the PLCA Board should also approve this.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Addison, with all in favor, deferring a decision on the Consent to Use of Easement Agreement for Continued Encroachment of Retaining Wall and Landscape, McKinney Residence, 25131 Ridge Oak Drive to January 2022, contingent upon the homeowner agreeing to return the slope from the retaining wall to the water's edge to 3.5:1 or 4:1, and providing the CDD with documentation, was approved.

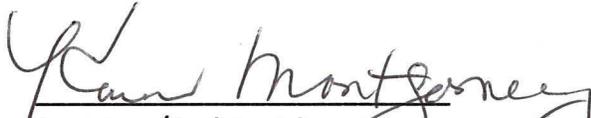
EIGHTEENTH ORDER OF BUSINESS

Adjournment (Bay Creek CDD)

There being no further business to discuss, the Bay Creek CDD meeting adjourned.

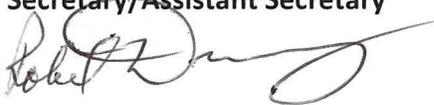
On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Addison, with all in favor, the meeting adjourned at 4:12 p.m.

FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary



Chair/Vice Chair