

**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 March 28, 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
R. Gary Durney	Assistant Secretary
Jerry Addison	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Greg Urbancic (via Zoom/phone)	District Counsel, Bayside Improvement CDD
Wes Kayne (via Zoom/phone)	District Engineer
Christina Kennedy (via Zoom/phone)	SOLitude Lake Management (SOLitude)
Mark Putcoff	PLCA General Manager
Charlotte McCarthy	Resident
Howard Lawk (via Zoom/phone)	Resident

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 Addison, Janek and Durney were present, in person. Supervisors Travers and McVay were not present. All Bayside Improvement CDD Supervisors were present in person.

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 nothing new to report.

Mr. Durney asked if the additional information requested for the Year 4 NPDES Annual Report was sent to the Florida Department of Environmental Protection (FDEP). Mr. Kayne replied affirmatively. Mrs. Adams asked Mr. Kayne to submit an invoice specific to the Point Creek Court restoration project.

FIFTH ORDER OF BUSINESS

Waterway Inspection Report: *SOLitude Lake Management*

Ms. Kennedy presented the March Monthly Report and highlighted the following:

- Pond A-2: At the last inspection, observed only organic plant debris and blown pollen around the weir; there was no alligator weed or algae in the lake.
- Most of the sites look good.
- Pond A-26: Spot treating the baby tears around the perimeter is recommended.
- Pond B-6: Sonar will be used to target submersed growth.
- Pond D-14: Actively treating remaining growth of plant material.

➤ The nano-bubblers at E-1, E-2, E-3 and A-18 are now functioning properly. The part for E-4 remained pending. Mr. Carnall and Mrs. Adams were working on having the electrical issues at E-5 resolved.

Mr. Durney asked for Lake D-8 to be treated for algae. Ms. Kennedy stated that she already alerted the technicians to keep treating the lake for floating algae and duck weed.

Mr. Janek stated that, despite the rain shortage this year, the water levels did not appear as low as last year, and asked if the lakes are shrinking. Ms. Kennedy did not believe that to be the case and noted that lakes tend to settle over time but not in the span of a year. She believed the water table levels are not as low this year; the lakes are probably just holding more groundwater.

SIXTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

There was no report.

B. Colony Landscape Committee

The Report was emailed to the Boards.

Mr. Nicolson asked if the weekend program picking up palm fronds is working. Mr. Adams replied affirmatively; he received no complaints and stated that the crew is proactively removing loose ones before they fall. Ms. Gravenhorst stated she noticed significant improvement since the program commenced.

C. Water Quality Task Force

• Continued Discussion: Water Quality Improvement Plan

Mr. Durney stated that the March 22, 2022 Pelican Landing Water Quality Task Force (WQTF) Final Conclusions and Recommendations Report in the agenda package included comments and questions. Regarding what to do with this information, Ms. Gravenhorst recalled prior discussions about working from the ground up instead of involving the City yet.

Ms. Gravenhorst motioned to take no action until legal consequences are considered. Some Board Members agreed that District Counsel should review the document and advise

accordingly about the consequences, if any, with the City and any future impact it might have on the NPDES permit requirements. Mr. Nicholson asked if data led to the conclusions.

Discussion ensued regarding the reclaimed water at Bayside CDD having less nutrients because it receives well water from The Brooks and that this might impact and differ how much additional fertilizer might be needed in Bay Creek.

Mr. Adams stated Bay Creek volunteered to test a plot, which involves reducing the number of fertilizations from four to three, to determine if there is a measurable difference. The Report with comments will be emailed to District Counsel and attached to these minutes.

Ms. Montgomery stated the WQTF can prepare an Executive Summary.

On MOTION for Bayside by Ms. Gravenhorst and seconded by Mr. Cramer, with all in favor, accepting the Water Quality Task Force Report, reserving any action until it is clear as to who will be directed to do this and subject to review and determination by each CDD's respective District Counsel of the consequences to the CDDs, if any, was approved.

On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Durney, with all in favor, accepting the Water Quality Task Force Report, and reserving any action until it is clear as to who will be directed to do this and subject to review and determination by each CDD's respective District Counsel of the consequences to the CDDs, if any, was approved.

SEVENTH ORDER OF BUSINESS

Update: Status of Maintenance Gate Repairs

Mrs. Adams stated that Mr. Kucera was obtaining proposals. Mr. McCarthy stated he would email the contact information of another source to Mrs. Adams and Mr. Kucera should obtain a quote from the original contractor, if available.

EIGHTH ORDER OF BUSINESS

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

The expanded PDF formatted Schedule was emailed to the Boards on Friday and distributed during the meeting. Mr. Adams stated that the Boards should focus on their specific CDD to determine the current status, as certain expenses are not split between the CDDs. He highlighted the following:

- The Bayside Monthly General Fund budget has a healthy fund balance, due in part to the amounts under “Personnel services”, because two landscape positions were kept open and some of the funds were used to offset the cost of outsourcing the palm pruning project.
- One of the open landscape positions was filled, filling more entry level position was underway at this time.

Mr. Nicholson asked where the hauling costs related to the outsourcing project appear in the Report. Mr. Adams stated it would appear in March, as he just approved the February invoice. This action will occur annually in February.

- The Bay Creek CDD Monthly General Fund projections had a positive, year-end balance.
- Assessment revenues will not be projected, as some homeowners do not take advantage of the full early pay discount and pay later than November.

Mr. Adams responded to budget related questions in the Projected Report and the Unaudited Financial Statements.

Mr. McCarthy felt that the amount for the Bayside CDD “Irrigation Revenue” in the Projected Report is incorrect, when compared to the Unaudited Financial Reports. Mr. Adams would confirm the figures but believed the cost difference between the CDDs was because, when the pump was changed, they were unable to provide irrigation water for over a week.

It was noted that, once the invoices for the new pumps are processed, a budget amendment reallocating designated funds would be presented.

Ms. Gravenhorst questioned the savings amount shown for the “Flower Program” given that material costs are increasing. She stated she is no longer participating in the flower selection process. Mr. Adams explained that the budget line item provides for funds to be spent in the event an additional change out would be required.

Ms. Gravenhorst stated Club Care will replace the dead flowers at The Colony tomorrow.

Discussion ensued regarding gap funding, depreciation values and reduced electrical bills after purchasing efficient pumps and motors.

Mr. Adams felt that the Boards are managing their CDD's funds prudently; however, he prefers having more cash in the General Fund, as Enterprise Fund is dedicated to depreciation costs.

NINTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of February 28, 2022**

The financials were accepted.

TENTH ORDER OF BUSINESS

**Approval of February 28, 2022 Joint Regular
Meeting Minutes**

Mr. McCarthy presented the February 28, 2022 Joint Regular Meeting Minutes.

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Janek, with all in favor, the February 28, 2022 Joint Regular Meeting Minutes, as amended 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 February 28, 2022 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

ELEVENTH ORDER OF BUSINESS

Action/Agenda Items

The completed items listed below were taken from Mrs. Adams notes.

Active/Ongoing New Items: Item 1 was completed.

Active/Ongoing Carried Over Older Than 01.24.22: Items 2 and 3 were completed.

The following Action Item was discussed:

Item 2: A tour with The Colony Landscape Committee was scheduled for April 25, 2022.

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.*

Mr. Urbancic stated that a bill related to legal notices was the only bill that passed during the legislative session. This bill creates a system to allow the County to designate a publicly accessible website where local governments within the County can post notices.

Due to the recent Department of Justice (DOJ) statement on website accessibility, Mr. Urbancic recommended that Management make sure the CDDs' web consultant reviews and confirms that the websites are compliant with the DOJ March 18, 2022 statement. Mr. Adams confirmed that the websites are compliant with the Americans with Disabilities Act (ADA) requirements.

II. *Daniel Cox, Esq.*

There was no report

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

I. Monthly Status Report: Field Operations

• Discussion/Presentation: Monthly Report Narrative

The Monthly Status Report was included for informational purposes.

Mrs. Adams reported the following:

- Homeowner Update – The Tides: Mr. Kucera and Mr. Kemp resolved the matter mentioned by the homeowner at the last meeting.
- Point Creek Court Mitigation Update: Restoration work was completed on Friday and additional signs were installed. Once all relevant invoices are processed, an invoice will be prepared and Mr. Cox will be advised to send a letter to the homeowner requesting reimbursement.

Mrs. Adams stated the homeowner called today to ask for future communications to be via email, instead of Federal Express, as she is returning to her other residence. The homeowner

asked if she could be put on a payment plan. Mrs. Adams recommended sending the invoice and letter first and waiting for the homeowner's response. Expenses incurred thus far were \$11,165, from Johnson Engineering and SOLitude; other Professional Services invoices were pending.

Mr. Durney asked about the status of the homeowner email about the berm that he forwarded Mr. Adams. Mr. Adams stated the shrubs were being replaced due to an issue with the sprinkler system; the homeowner must discuss the stem wall with the HOA.

➤ Conservation signs in Bay Creek and The Pointe were installed on Friday. More signs to install behind the ten residences abutting conservation W-13 would be ordered.

➤ Noise Abatement at Southernmost Part of US 41: The 10-gallon green arboricola installed last year would take time to grow. Mr. Kucera would be asked to inspect and determine if more fertilizer is needed.

➤ Mr. Janek confirmed that the Ridge Monument was painted and looked nice. This would be deemed completed on the Action Items List.

Discussion ensued regarding the boundary line.

➤ Nano-bubbler Discount: SOLitude will not bill the CDD for the next three months.

Mr. Cramer asked about Long Lake Village's request to install a fountain. Mr. Adams stated he provided them with information about the process, which would require the CDD issuing a Consent to Use Agreement.

Discussion ensued regarding the process, relinquishing all responsibility from the CDD and requiring Long Lake Village to engage a General Contractor to construct it.

II. NEXT MEETING DATE: April 25, 2022 at 2:00 P.M.

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

The next meeting would be held on April 25, 2022.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Durney voiced his opinion that some bushes appear to be unkempt and asked about the landscape maintenance schedule and how often the Landscape Manager drives through the entire community. Mr. Adams discussed the maintenance schedule and noted that the area in

question is being allowed to grow, at the request of the Landscape Committee, to be used as a buffer. Ms. Montgomery commented on Mr. Durney's observations and noted that this will be addressed regularly with Mr. Kucera, once the Committee liaison is established.

Ms. Montgomery discussed installation of a new monument at Cypress Island, Long Lake Village having designs on the property behind their residences adjacent to the park and homeowners installing electrical vehicle charging stations. Mr. Adams stated that he advised Long Lake to contact the PLCA, as the CDD only maintains the property.

Mr. Cramer asked for Mr. Adams, Mrs. Adams and Mr. Willis to attend and support Bay Creek's yearly meeting scheduled on Thursday. As Staff, the Chair and Vice Chair are unable to attend, Ms. Montgomery was designated as the spokesperson to speak on behalf of the CDDs.

Ms. Gravenhorst felt that the Pelican Landing Landscape Committee should be briefed on the CDD's contributions related to Mr. Kemp's time and overall costs for repairing the irrigation at the Pelican Colony Boulevard median. She asked why the CDD chose not to wait until the rainy season to plant grass. Mr. Adams stated it was replaced now due to bug issues. Discussion ensued regarding why not to install artificial grass and possibly replacing small grassy areas with mulch.

Mr. Nicholson asked if a wood chipper should be purchased. Mr. Adams stated that based on the return on investment, between labor and insurance rates, it is not feasible. He discussed the storm debris removal process.

FIFTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

No members of the public spoke.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the meeting adjourned at 3:29 p.m.

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Addison, with all in favor, the meeting adjourned at 3:29 p.m.

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

March 28, 2022

FOR BAYSIDE IMPROVEMENT:



Secretary/Assistant Secretary



Chair/Vice Chair

FOR BAY CREEK:



Secretary/Assistant Secretary



Chair/Vice Chair