

**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 May 23, 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

For Bay Creek CDD, present were:

James Janek	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	District Manager
Shane Willis	Operations Manager
Greg Urbancic	District Counsel, Bayside Improvement CDD
Dan Cox (via telephone)	District Counsel, Bay Creek CDD
Wes Kayne (via telephone)	District Engineer
Christina Kennedy (via telephone)	SOLitude Lake Management (SOLitude)
Mark Putcoff	PLCA General Manager
Ed Shinouskis (via Zoom)	Resident/Water Quality Task Force (WQTF)

FIRST ORDER OF BUSINESS

Call to Order/Phone Silent Mode/Pledge of Allegiance

Mr. McCarthy called the meeting to order at 2:05 p.m. All present recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS

Roll Call

For Bay Creek CDD, Supervisors McVay, Addison, Janek and Travers were present, in person. Supervisor Durney was attending via telephone. For Bayside Improvement CDD, Supervisors Cramer, Nicholson, Gravenhorst and McCarthy, were present in person. Supervisor Montgomery was not present.

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

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

Resident and WQTF member Ed Shinouskis reported the following:

- He presented the WQTF results to The Colony Foundation Board and to the PLCA Board of Directors and the information was very well received.
- He asked those Boards to review the findings and recommendations, make efforts to understand and make them a priority for the community and support the development of a PLCA-wide communication plan to inform owners and gain support in future actions.
- He urged those Boards engage with the CDDs to better understand the CDDs' work and better integrate their work with the work of the CDDs.
- The communication plan is underway and an e-blast was sent to inform residents about use of fertilizer during the blackout period; while some information would be sent during the summer, there are fewer CDD residents over the summer and communications would gear up again in the fall.

Mr. McCarthy thanked Mr. Shinouskis for his efforts.

JOINT BUSINESS ITEMS

FOURTH ORDER OF BUSINESS

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

- **Sluice Gate Annual Inspection Report**

Mr. Kayne presented the Sluice Gate Annual Inspection Report. An old grate was in front of CS53 and staff had difficulty using the wheel at the headwall structure at CS49; wheel lubrication was recommended. Weed growth was observed around CS49 structures; treatment was recommended to maintain flow. Mrs. Adams stated those items were already addressed. She stated Mr. Kemp is responsible for lubrication of the parts, such as the wheel at CS49.

FIFTH ORDER OF BUSINESS

Waterway Inspection Report: *SOLitude Lake Management*

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

- Site A-19 was treated for excessive vegetation.
- Site A-23 was treated for torpedo grass and cattails.
- Site B-5 was treated with Sonar[®], a systemic herbicide to target the entire water body for submersed slender spikerush; the treatment might cause nutrient release, which might cause an algae bloom. Similar issues were recently noted in D-8 and D-15. When the treatment has done its job, algae should subside and retreatment might not be necessary for six months to a year.
- Site D-8 surface algae improved since April. Site D-15 was re-treated, as requested.

Ms. Gravenhorst asked if the electrical problem on Lake E-5 was addressed. Mrs. Adams stated it was not yet addressed but she emailed Mr. Kurth for an update.

SIXTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Mr. Cramer stated he spoke with Mr. Adams about a meeting with the PLCA. Mr. Adams stated the PLCA asked for an opportunity to present an item.

- **Pelican Landing Management Plan for Storm Emergency**

This item was an addition to the agenda.

Acting General Manager Mark Puthoff, Director of Communications Michelle Velazquez and Director of Privacy Levi Herrera introduced themselves.

Mr. Puthoff stated, after meeting with Mr. Cramer, the hope is to finalize the document so that Ms. Velazquez can post and distribute information to residents. Ms. Velazquez stated information would be on Facebook, e-blasted and posted on the website.

Mr. Puthoff distributed and presented the “Pelican Landing Management Plan for Storm Emergency” updated April, 2022 and reported the following:

- The Acting General Manager will monitor the “Cone of Uncertainty” and work with Staff to serve as a centralized location and coordinate departmental responsibilities.
- Each department within Pelican Landing has a checklist with assigned responsibilities, including the PLCA Community Center, Marina, Pelican Snacks, CDDs and Mr. Kucera.
- The General Manager will decide when to send staff members home.
- With regard to security, some gate arms might be removed to prevent damage but patrol and security vehicles would be parked at each of the three gatehouses to serve as a deterrent.

Mr. Puthoff discussed post-hurricane foliage hazards, procedures for clearing road debris and lessons learned from previous emergencies, including clearing Pennyroyal first could help expedite cleanup. Staffing considerations, ensuring access control, keeping records for Federal Emergency Management Agency (FEMA) reimbursement and centralized organization of staff were discussed. He discussed generator availability and operations and services to be provided to staff and residents.

Asked how soon crews can perform neighborhood cleanup, Mr. Puthoff stated the plan is to accommodate crews as soon as it is safe to do so; all contractors on site would be logged. Regarding engaging TECO to provide gas, Mr. Puthoff stated he would research that option.

Discussion ensued regarding a central designated command center, telephone and radio communications, the best means of clearing the roads, responding to resident requests and ensuring that the communities are aware of the areas of responsibility.

Ms. Velazquez reported the following:

- A Site Map was created highlighting Phases I, II and III; the management document, including Management Company phone numbers, would be included in the e-blast.
- A Hurricane Preparedness event will be held at the Community Center and virtually.

Mr. Nicholson felt that it is important to clearly delineate the Management Company and CDD responsibilities. Mr. Puthoff stated the information will be in the document so that residents can reach their Management Company via email and telephone.

Mr. Cramer stated today's presentation was meant for feedback and information to be provided to the Board. He asked if an existing legal document with the PLCA addressed assistance in reimbursing for FEMA activity and who would do the work. Mr. Adams believed the PLCA engaged contractors; he would research this. Mr. Janek thought a contract addressed post-hurricane cleanup and asked if invoices would be sent to FEMA for reimbursement. The consensus was that large amounts might be worth the cost of pursuing.

Ms. Gravenhorst discussed the need to address independent HOAs, clarifying the CDDs' areas of responsibility and informing the sub-associations that the CDDs will clean the main roadways so crews can reach their communities. Communities not under the umbrella of the CDDs would need to contact their Management Company to arrange hurricane cleanup in advance.

Discussion ensued regarding residents included in an HOA and residents who are not and which areas would be cleared by the CDDs.

Mr. Adams stated anything that is not a single-family neighborhood is generally CDD maintained for the PLCA and will be cleared. The consensus was the map will help in clarifying and communicating areas of responsibility. Ms. McVay suggested sending the information soon.

Mr. Cramer thanked the team for their hard work. Mr. McCarthy expressed support for the work done, which should reduce the volume of phone calls received in an emergency.

Mr. Cramer would review the document and work with the team and Mr. Adams to review the final document before it is sent to residents.

Discussion ensued regarding cleanup, FEMA reimbursement processes and sharing information with residents.

B. Colony Landscape Committee

The Report was emailed to the Boards.

SEVENTH ORDER OF BUSINESS

Consideration of Resolutions Approving the Districts' Proposed Budgets for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. McCarthy presented Resolutions 2022-03 and 2022-04.

- A. Resolution 2022-03, *Bayside Improvement Community Development District***
- B. Resolution 2022-04, *Bay Creek Community Development District***

On MOTION for Bayside by Mr. Nicholson and seconded by Mr. Cramer, with all in favor, Resolution 2022-03, Approving the Districts' Proposed Budgets for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 22, 2022 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Addison, with all in favor, Resolution 2022-04, Approving the Districts' Proposed Budgets for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 22, 2022 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Resolutions Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2022/2023 and Providing for an Effective Date

Mr. McCarthy presented Resolutions 2022-04 and 2022-05.

- A. Resolution 2022-04, *Bayside Improvement Community Development District***
- B. Resolution 2022-05, *Bay Creek Community Development District***

On MOTION for Bayside by Mr. Nicholson and seconded by Ms. Gravenhorst, with all in favor, Resolution 2022-04, Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2022/2023 and Providing for an Effective Date, was adopted.

On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Travers, with all in favor, Resolution 2022-05, Designating Dates, Times and Locations for Joint Regular Meetings of the Boards of Supervisors of the Districts for Fiscal Year 2022/2023 and Providing for an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

**Discussion: Water Quality Improvement
Plan**

Mrs. Adams stated Ms. Montgomery provided the plan following the last meeting and it was transmitted to the attorneys for review. Mr. Urbancic noted a question about the impact it would have, if any, on the existing Settlement Agreement with Bonita Springs. He stated, while modifications could be made to the system in the future, the CDDs still have monitoring responsibilities to the City; he felt that it comes down to which of the implementation items would be done now.

Mr. Cox voiced his opinion that, until the State-established B map is accepted, it could not be determined how some of the recommendations fit into the Management Plan. He understood a number of environmental groups sued the Environmental Protection Agency (EPA) because the program setting the total maximum daily load (TMDL) is performed under an Agreement with the Department of Environmental Protection (DEP); he felt that the Committee could pursue other steps that could be taken, including plantings that would not affect nutrient loading.

TENTH ORDER OF BUSINESS

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

Mr. Adams distributed and presented the Year End Projection compiled by Mr. Willis. Payroll adjustments were still being calculated and would likely be presented at the next meeting.

Mr. Nicholson questioned the "Miscellaneous FEMA/State reimbursement" line item. Mr. Adams would research it and provide an explanation.

ELEVENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of April 30, 2022**

Mr. Nicholson asked why the "Colony Flower Program" is at 200% of budget. Mr. Adams stated it seemed something was incorrectly posted. Mrs. Adams noted a possible error in the "Mulch" line item. These would be researched and addressed.

Ms. Gravenhorst asked if, for savings purposes, items such as mulch can be reduced, given rising labor costs. Mr. Adams discussed labor costs and stated he is working to address rising costs and noted that rising fuel costs have a large impact on many line items.

The financials were accepted.

TWELFTH ORDER OF BUSINESS

Approval of April 25, 2022 Joint Regular Meeting Minutes

Mr. McCarthy presented the April 25, 2022 Joint Regular Meeting Minutes.

The following change was made:

Line 92: Change "Sheila" to "Cheryl"

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, the April 25, 2022 Joint Regular Meeting Minutes, amended as stated and as necessary to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the April 25, 2022 Joint Regular Meeting Minutes, amended as stated and as necessary to include any changes submitted to Management, were approved.

THIRTEENTH ORDER OF BUSINESS

Action/Agenda Items

The information below was from Mrs. Adams' meeting notes:

Active/Ongoing New Items: Items 2 and 7 were completed.

Active/Ongoing Carried Over From 03.28.22 Meeting: Item 2 was completed.

FOURTEENTH ORDER OF BUSINESS

Old Business

There was no old business.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

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

Mr. Urbancic stated several items relating to contracts were addressed.

II. *Daniel Cox, Esq.*

Mr. Cox stated the Legislature was meeting in a Special Session to address property insurance reform. Updates would be provided.

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

I. Monthly Status Report: Field Operations

- **Discussion/Presentation: Monthly Report Narrative**

There was no report.

II. NEXT MEETING DATE: June 27, 2022 at 2:00 P.M.

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

The next meeting would be held on June 27, 2022. For Bayside, all Supervisors confirmed their in-person attendance. For Bay Creek, Supervisors Addison, Travers and Durney confirmed their attendance in person. Supervisor Janek would attend via telephone.

SIXTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Cramer asked about RCS. Mr. Adams stated a plan was developed with the consultant and verbal approval was received to improve water quality. Irrigation and costs were discussed. Regarding the central fountain, Mrs. Adams stated a cracked pipe caused the sump pumps to fail. Information would be sent to the insurance company for reimbursement and the repairs would be made.

SEVENTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

No members of the public spoke.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the meeting adjourned at 3:14 p.m.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Addison, with all in favor, the meeting adjourned at 3:14 p.m.

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

May 23, 2022

FOR BAYSIDE IMPROVEMENT:




Secretary/Assistant Secretary



Chair/Vice Chair

FOR BAY CREEK:



Secretary/Assistant Secretary



Chair/Vice Chair