

**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 June 27, 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 (via Zoom)	Chair
Robert Travers	Vice Chair
Mary McVay	Assistant Secretary
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)	District Counsel, Bayside Improvement CDD
Dan Cox (via Zoom)	District Counsel, Bay Creek CDD
Carl Barraco (via Zoom)	District Engineer
Bill Packard (via zoom)	Resident/Landscape Committee Member
Christina Kennedy (via Zoom)	SOLitude Lake Management (SOLitude)
Mark Puthoff	PLCA General Manager

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, Supervisors McCarthy, Gravenhorst, Nicholson, Cramer and Montgomery were present in person.

For Bay Creek CDD, Supervisors Durney, Addison, Travers and McVay, were present, in person. Supervisor Janek was attending via telephone.

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

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

There were no public comments.

JOINT BUSINESS ITEMS

FOURTH ORDER OF BUSINESS

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

This item was presented following the Ninth Order of Business.

FIFTH ORDER OF BUSINESS

Waterway Inspection Report: *SOLitude Lake Management*

This item was presented following the Ninth Order of Business.

SIXTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Mr. Puthoff stated that the PLCA is still working on its plans for the upcoming year.

B. Colony Landscape Committee

The Report was provided for informational purposes.

SEVENTH ORDER OF BUSINESS

Update: Water Quality Improvement Plan

Mr. Adams stated that he will be working with Mr. Kayne and Mr. Cox on the Water Quality Improvement Plan (WQIP), which will be an affirmation of the efforts the CDDs already have underway and will continue to implement each year. He believes that it will initially meet the needs of the Settlement Agreement.

Ms. Gravenhorst asked about the Water Quality Task Force (WQTF) comment on accomplishing its goals. Mr. and Mrs. Adams did not recall the comment but noted that the WQTF's final report and recommendations were utilized to complete the CDDs' 20-Year Stormwater Management Needs Report and the NPDES Report.

The WQTF Report, Settlement Agreement with the City and which governing body has authority to establish new requirements were discussed.

Mr. Adams stated that, other than the efforts already underway, no other changes can be made until the CDDs receive the State-established B map, which the State has not created yet.

Board Members commented that participation from the public and the CDDs and communication is essential in improving water quality.

The PLCA will submit its monthly approved minutes, in lieu of a PLCA Landscape Committee Report.

EIGHTH ORDER OF BUSINESS

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

Mr. Adams reported about formula issues in the Report and stated that he is working with Mr. Willis to correct them. The corrected version will be emailed to the Boards by Friday. Board Members asked about the year-to-date actuals, year-end projections and variances in the figures in the Report. Mr. Adams stated those were all incorrect, due to the formula issue.

Mr. McCarthy asked Mr. Adams to monitor assessment levy revenues, which were below the 100% projected amount.

The financials were accepted.

NINTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of May 31, 2022**

This item was presented during the Eighth Order of Business.

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

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

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

- Sites B-2, C-2, E-8 were treated to target various nuisances to the ponds.
- Sites C-1, D-12, E-7, E-9 and F-12 require attention to treat various nuisances to the ponds.

The Department Manager and technician were alerted to treat F-12, as a boat must be used.

- The nano-bubblers at E-1 through E-5 and A-18 are inoperable again. SOLitude ceased billing until repairs can be made, as they are having difficulty obtaining parts. Moleaer, Inc. is the manufacturer and does not have the parts in stock or is not shipping quick enough.

Mrs. Adams stated that Mr. Kurth is considering voiding the nano-bubbler lease and leaving them on site while trying to get them to work; at no cost to the CDDs. New equipment is being tested at other sites and, if successful, will be presented to the Boards for consideration.

Discussion ensued regarding the nano-bubblers usefulness in improving water quality, how often they should run and considering nano-bubblers to be preventative maintenance to prevent muck build up.

Mrs. Adams stated that the lakes improved significantly since the nano-bubblers were installed and she recommends them to all her CDDs.

Ms. Kennedy responded to questions about Sites A-7 and B-6 and the increase in water levels impacting the way issues are addressed; her recommendations do not typically change much. She defined gulf spike rush as helpful to the ponds and slender spike rush as not.

Mrs. Adams would contact the appropriate parties to address grass clippings.

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

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

Mr. Barraco reported on the following:

- The draft version of the 20-Year Stormwater Management Needs Analysis Report was emailed to Mr. McCarthy and Mr. Adams and, upon receipt of any comments, it will be finalized and submitted it to the County this week.
- The Survey Department is currently collecting the survey location data on the mangrove conservation impact behind 3709 Bay Creek Drive.

TENTH ORDER OF BUSINESS

Approval of May 23, 2022 Joint Regular Meeting Minutes

Mr. Travers presented the May 23, 2022 Joint Regular Meeting Minutes.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Nicholson, with all in favor, the May 23, 2022 Joint Regular Meeting Minutes, amended as necessary to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Mr. Durney and seconded by Ms. Montgomery, with all in favor, the May 23, 2022 Joint Regular Meeting Minutes, amended as necessary to include any changes submitted to Management, were approved.

ELEVENTH ORDER OF BUSINESS

Action/Agenda Items

Regarding Item 3, Board Members mentioned the PLCA Board discussing content in the Storm Emergency Plan and the upcoming community meeting scheduled for July 11, 2022. Mr. Adams was asked to attend the meeting and work with Mr. Puthoff on the vendor list for emergency clean up.

Mr. Adams and Mr. Urbancic discussed the Sunshine Law. The Board Members were asked to notify Mr. Adams of upcoming non-CDD meetings where two or more Board Members of the same CDD might be attending, so they can be noticed as workshops. This will enable CDD Board Members to discuss items outside of a CDD meeting, although no action can be taken until presented at a regular CDD public meeting.

Mr. Willis corrected Ms. Kennedy's earlier reporting on sighting grass clippings; the Sites were A-7 and A-12, not B-6, although it did flood.

Active/Ongoing New at 05.23.22 Meeting: Items 3 and 7 were completed.

Active/Ongoing Carry Over From 04.25.22 Meeting: Item 3 was completed.

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 reported the results of the candidate qualifying period for Bayside CDD. As Mr. Cramer and Ms. Gravenhorst qualified unopposed, both will retain their Board seats. The Oath of Office for their new terms will be administered on the second Tuesday following the November, 2022 General Election.

II. Daniel Cox, Esq.

Mr. Cox spoke about Board Member liability for violating the Sunshine Law and urged Board Members to be conscious of such when considering attending non-CDD meetings.

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.

Regarding the alarm at the central fountain, Mrs. Adams stated that a pipe broke overnight; she would ask Mr. Kucera to have the alarm system repaired.

II. UPCOMING MEETING DATES:

a. July 15, 2022 at 9:00 A.M. – Joint Budget Workshop

A quorum is not required for a Workshop.

b. July 25, 2022 at 2:00 P.M. – Joint Regular Meeting

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

The next meeting would be held on July 25, 2022. For Bayside, Supervisors Gravenhorst, McCarthy and Cramer confirmed their in-person attendance. For Bay Creek, all Supervisors confirmed their in-person attendance.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. Gravenhorst made the following requests, on behalf of The Colony Landscape Committee:

- Wants to establish a regular tour of the CDDs with Mr. and Mrs. Adams three times a year. Mr. Adams would send The Colony Manager an invitation to the quarterly tour of the community.
- Wants the crew to receive more professional training and consult an Arborist regarding tree pruning.

➤ Wants to know which entity is responsible for pest control and controlling iguana, alligators, etc.

Mr. Adams stated that the person who saw the alligator knows the location so they should contact the Alligator Hotline directly. Mr. Travers stated that the trapper would not remove the alligator in his backyard, behind the preserves, because it is not aggressive.

Discussion ensued about the iguana removal process and cost, wildlife issues and leaving it up to the PLCA to decide how it wants to address the issue. Eradicating iguanas when they fall from trees during cold weather was suggested.

Mr. Nicholson asked about the downed light pole on Via Venetta. Mr. and Mrs. Adams stated they became aware of it when they drove in today and believe it was due to an auto accident. In response to reports that several street lights on Pine Water Boulevard are staying on during the day, Mrs. Adams would have Bentley Electric check the photo cells.

Ms. Gravenhorst reported issues with the GIS map regarding property lines and missing street names. Mrs. Adams stated that she already emailed the District Engineer of the issue and noted the map is continually being adjusted.

Mr. Janek reported upcoming changes that, once approved, will require obtaining an Engineering Report for buildings three stories or more in height. Mr. Adams stated that this will be an HOA matter.

Mr. Nicholson asked if the Landscaping Committee will provide the Fiscal Year 2023 budget requirement before the July 15, 2022 workshop. Mr. Packard replied affirmatively.

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 Ms. Montgomery and seconded by Mr. McCarthy, with all in favor, the meeting adjourned at 3:12 p.m.

On MOTION for Bay Creek by Mr. Durney and seconded by Ms. McVay, with all in favor, the meeting adjourned at 3:12 p.m.

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

June 27, 2022

FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair