

**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 July 25, 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
Bernie Cramer	Assistant Secretary
Gail Gravenhorst	Assistant Secretary

**For Bay Creek CDD, present were:**

James Janek (via Zoom)	Chair
Robert Travers	Vice 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)	District Counsel, Bayside Improvement CDD
Wes Kayne (via Zoom)	District Engineer
Tony Grau (via telephone)	Grau & Associates
Christina Kennedy (via Zoom)	SOLitude Lake Management (SOLitude)
Bill Kurth (via Zoom)	SOLitude Lake Management (SOLitude)
Anne Cramer (via telephone)	Resident

**FIRST ORDER OF BUSINESS**

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

Mr. McCarthy called the meeting to order at 2:02 p.m. All present recited the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS**

**Roll Call**

For Bayside Improvement CDD, Supervisors Cramer, Gravenhorst and McCarthy were present. Supervisors Montgomery and Nicholson were not present.

For Bay Creek CDD, Supervisors Addison, Travers and Durney were present, in person. Supervisor Janek was not present during roll call. Supervisor McVay was not present.

**THIRD ORDER OF BUSINESS**

**Public Comments: *Agenda Items***

There were no public comments.

Mr. McCarthy asked if there were any questions on Agenda Items 12A, 12B and 13. There were none.

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

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

The Monthly Budget and Year End Projection Report was distributed and reviewed along with the Unaudited Financial Statements and the Proposed Fiscal Year 2023 Budget.

- **Review and Consideration of Proposed Fiscal Year 2022/2023 Budget and Setting Assessment Levels for Noticing August Public Hearing *(to be provided under separate cover)***

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

Mr. Durney questioned if the aerators are relevant, as they have not worked properly for a while and asked how the amount for catch basins was determined. Mrs. Adams stated that the nano-bubblers are working intermittently and have made a significant difference to the water quality. Mr. Kurth is investigating other options and will report on the nano-bubblers later in the meeting. Mr. Willis stated nano-bubblers should be considered preventative maintenance, as they prevent muck build up.

Regarding Mr. Durney’s inquiry about the catch basins and budgeting for remediating flooding incidents, it was noted that further information is in the Field Operations Report, which was emailed this morning. Mrs. Adams stated there is a budget line item for the fountains; however, the CDD was reimbursed from the insurance company. Mr. Adams stated that Bayside has not designated funds for flooding faults.

Mr. Durney stated that he was unable to reconcile the Professional Fees. Mr. Adams stated forecasting might not necessarily mean what should be budgeted for the following year. The figures in the proposed Fiscal Year 2023 budget remained flat and differ from the projected.

Mr. McCarthy stated he was not prepared to vote on the budget without having a hard copy that includes the projected numbers. Mr. Adams explained that the projected numbers for Fiscal Year 2022 will not be included as part of the proposed Fiscal Year 2023 budget. He discussed budget increases and decreases and voiced his opinion that working capital is low.

Mr. Adams discussed personnel attrition and retention costs.

Regarding assessments, Mr. Adams stated that, for Bayside, assessments are projected to increase by 9% and, for Bay Creek, assessments are projected to increase by 8%.

Mr. Adams explained that the Boards only need to approve proposed assessment levels now for the purposes of sending notice and setting the public hearing in August. Changes can be made up until they adopt the budget.

The Boards asked for hard copies of the budget before approving it. Mr. Adams suggested approving this proposed Fiscal Year 2023 budget, at the assessment ceiling amount, for noticing purposes, and stated that he is comfortable with the budget. He recapped the proposed Fiscal Year 2022/2023 Assessment Level Totals for both CDDs. Management would ship hard copies of the budget to the Board tonight.

Mr. McCarthy listed the following 2022-2023 Assessments figures:

**Bayside Improvement CDD O&M Assessment Levels:**

Bayside Neighborhoods-Limited Benefit Assessment-outside the gates	\$180.75
Bayside Neighborhoods-Full Assessment	\$650.49
Bayside Neighborhoods-Common and Administration	\$256.81
Irrigation Assessment	\$ 85.42

The Colony Neighborhoods 002-Full Assessment	\$647.84
The Colony Neighborhoods-Common and Administration	\$647.84

**On MOTION for Bayside by Ms. Gravenhorst and seconded by Mr. Cramer, with all in favor, setting the assessment levels for Noticing purposes and for the Public Hearing on August 22, 2022, at 9:30 a.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134, as set forth above by Mr. McCarthy, was approved.**

Mr. McCarthy listed the following 2022-2023 Assessments figures:

**Bay Creek CDD O&M Assessment Levels**

Bay Creek -Limited Benefit Assessment-outside the gates	\$201.47
Bay Creek-Full Assessment	\$610.69
Bay Creek-Irrigation Assessment	\$111.03

**On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Addison, with all in favor, setting the assessment levels for Noticing purposes and for the Public Hearing on August 22, 2022, at 9:30 a.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134, as set forth above by Mr. McCarthy, was approved.**

In response to Mr. Durney's request to receive real time data on expenditures versus budget, Mr. Adams stated the best he can do is email the general ledger from accounting to him.

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

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

The Monthly Report was included for informational purposes.

Mr. Kurth stated that SOLitude ceased billing for the nano-bubbler machines and not bill until he comes to an agreement with the manufacturer to make them more reliable. As some of them are still running and the lakes have improved significantly since they were installed, he did not recommend giving up on the technology.

Mr. Durney asked for the significance in having them if they have not worked in six months yet the water quality has not deteriorated significantly. Mr. Kurth stated that the equipment used in the Sandpiper lake addressed the algae growth that was feeding off the muck on the bottom. He stated the nano-bubblers might have done enough but he was not entirely sure; however, without it, they will eventually need to address that issue again. He recalled that SOLitude lowered its bid based on lowering chemical costs.

Mr. Durney asked if there are water quality triggers that would indicate it is time to reinstall the equipment or another alternative. Mr. Kurth stated that the equipment is outdated and, with the terms of the contract, he did not know if SOLitude can offer the CDDs the same service, or if the CDD would have to purchase the equipment, which costs about \$20,000 each. He could not recommend any alternatives at this time.

**Mr. Janek joined the meeting at 2:58 p.m., via telephone.**

Mr. Durney asked if it is normal to see significant algae in the lakes at this time of year. Mrs. Adams and Ms. Kennedy replied affirmatively.

## **BAYSIDE IMPROVEMENT BUSINESS ITEMS**

### **FOURTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2021, Prepared by Grau & Associates**

This Item was presented following the Tenth Order of Business.

### **FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-05, Hereby Accepting the Audited Financial Report for Fiscal Year Ended September 30, 2021**

This Item was presented following the Tenth Order of Business.

### **SIXTH ORDER OF BUSINESS**

**Ratification of Barraco & Associates, Inc., 20-Year Stormwater Management Needs Analysis Report**

This Item was presented following the Tenth Order of Business.

**BAY CREEK BUSINESS ITEMS**

**SEVENTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report  
for Fiscal Year Ended September 30, 2021,  
Prepared by Grau & Associates**

This Item was presented following the Tenth Order of Business.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-06,  
Hereby Accepting the Audited Financial  
Report for Fiscal Year Ended September 30,  
2021**

This Item was presented following the Tenth Order of Business.

**NINTH ORDER OF BUSINESS**

**Ratification of Barraco & Associates, Inc.,  
20-Year Stormwater Management Needs  
Analysis Report**

This Item was presented following the Tenth Order of Business.

**JOINT BUSINESS ITEMS**

**TENTH ORDER OF BUSINESS**

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

Mr. Kayne stated that the 20-Year Stormwater Management Needs Analysis Report was finalized, submitted to the County by the deadline and will be presented for ratification.

- **Bay Creek: Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2021, Prepared by Grau & Associates**

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

Mr. Grau presented the Audited Financial Report for Fiscal Year Ended September 30, 2021 and noted the pertinent information. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit.

- **Bay Creek: Consideration of Resolution 2022-06, Hereby Accepting the Audited Financial Report for Fiscal Year Ended September 30, 2021**

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

Mr. McCarthy presented Resolution 2022-06.

**On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Durney, with all in favor, Resolution 2022-06, Hereby Accepting the Audited Financial Report for Fiscal Year Ended September 30, 2021, was adopted.**

- **Bayside Improvement: Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2021, Prepared by Grau & Associates**

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

Mr. Grau presented the Audited Financial Report for Fiscal Year Ended September 30, 2021 and noted the pertinent information. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit.

Although he did not think it material, Mr. Urbancic suggested revising the reference on Page 16 about Bayside and Bay Creek sharing the same Developer, as this is no longer the case. Mr. Grau stated he would modify this information in future reports.

- **Bayside Improvement: Consideration of Resolution 2022-05, Hereby Accepting the Audited Financial Report for Fiscal Year Ended September 30, 2021**

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

Mr. McCarthy presented Resolution 2022-05.

**On MOTION for Bayside Improvement by Mr. Cramer and seconded by Ms. Gravenhorst, with all in favor, Resolution 2022-05, Hereby Accepting the Audited Financial Report for Fiscal Year Ended September 30, 2021, was adopted.**

- **Bay Creek: Ratification of Barraco & Associates, Inc., 20-Year Stormwater Management Needs Analysis Report**

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

**On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Addison, with all in favor, the 20-Year Stormwater Management Needs Analysis Report, was ratified.**

- **Bayside Improvement: Ratification of Barraco & Associates, Inc., 20-Year Stormwater Management Needs Analysis Report**

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

**On MOTION for Bayside by Mr. Cramer and seconded by Ms. Gravenhorst, with all in favor, the 20-Year Stormwater Management Needs Analysis Report, was ratified.**

**ELEVENTH ORDER OF BUSINESS**

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

This Item was presented following the Third Order of Business.

**TWELFTH ORDER OF BUSINESS**

**Committee Reports**

**A. PLCA Landscape Committee**

This item was discussed following the Third Order of Business and during the Twenty-First Order of Business.

**B. Colony Landscape Committee**

The Report was provided for informational purposes.

**THIRTEENTH ORDER OF BUSINESS**

**Update: Water Quality Improvement Plan**

There was no update.

**FOURTEENTH ORDER OF BUSINESS**

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

This item was presented following the Third Order of Business.

**FIFTEENTH ORDER OF BUSINESS**

**Review and Consideration of Proposed Fiscal Year 2022/2023 Budget and Setting Assessment Levels for Noticing August Public Hearing *(to be provided under separate cover)***

This item was presented following the Third Order of Business.

**SIXTEENTH ORDER OF BUSINESS**

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

This item was addressed earlier in the meeting during the budget discussions.

**SEVENTEENTH ORDER OF BUSINESS**

**Approval of June 27, 2022 Joint Regular Meeting Minutes**

Mr. McCarthy presented the June 27, 2022 Joint Regular Meeting Minutes. The following change was made:

Line 37 and throughout: Change "Putcoff" to "Puthoff"

**On MOTION for Bayside by Mr. Cramer and seconded by Ms. Gravenhorst, with all in favor, the June 27, 2022 Joint Regular Meeting Minutes, as amended and to include any changes submitted to Management, were approved.**

**On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Durney, with all in favor, the June 27, 2022 Joint Regular Meeting Minutes, as amended and to include any changes submitted to Management, were approved.**

**EIGHTEENTH ORDER OF BUSINESS**

**Action/Agenda Items**

The Action Items were updated following the meeting.

**NINETEENTH ORDER OF BUSINESS**

**Old Business**

There was no old business.

**TWENTIETH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

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

There was no report.

**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 Report was included for informational purposes.

**II. NEXT MEETING: August 22, 2022 at 2:00 P.M. {Public Hearing to Adopt Fiscal Year 2023 Budget}**

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

The next meeting would be held on August 22, 2022.

**TWENTY-FIRST ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. Travers asked if there is a list of the independent contractors. Mr. Adams replied affirmatively; he will email it to the Board. Eight are listed in the Audit Report.

Mr. Durney noted the PLCA Landscape Committee's request to have CDD representatives on its Committee and, as such, he and Ms. Gravenhorst were approached, their names were submitted to the PLCA Board and they were approved. As CDD Board Members, he asked if there are any concerns about both of them accepting the positions.

Mr. Adams advised that it would be appropriate for the CDDs to have official members representing the CDDs on the Committee.

Ms. Gravenhorst noted discussion from the last meeting and pointed out that the information in the PLCA's monthly minutes, submitted in lieu of a PLCA Landscape Committee Report, will be a month behind. Mr. McCarthy stated that is fine okay, as Ms. Gravenhorst can provide updates.

Ms. Gravenhorst asked what service EarthBalance does in relation to the wetland contract. Mrs. Adams stated EarthBalance inspects and sprays invasives twice a year, as a requirement of the South Florida Water Management District (SFWMD) permit.

**TWENTY-SECOND ORDER OF BUSINESS**

**Public Comments: *Non-Agenda Items***

No members of the public spoke.

**TWENTY-THIRD ORDER OF BUSINESS**

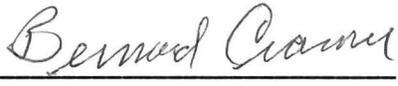
**Adjournment**

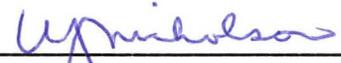
**On MOTION for Bayside by Mr. Cramer and seconded by Ms. Gravenhorst, with all in favor, the meeting adjourned at 3:22 p.m.**

**On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Travers, with all in favor, the meeting adjourned at 3:22 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

FOR BAYSIDE IMPROVEMENT

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

FOR BAY CREEK:

  
Secretary/Assistant Secretary

  
Chair/Vice Chair