

**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 5, 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
Robert Travers	Vice Chair
Mary McVay	Assistant Secretary
Gary Durney	Assistant Secretary
Jerry Addison	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Dan Cox (via telephone)	District Counsel, Bay Creek CDD
Greg Urbancic (via telephone)	District Counsel, Bayside Improvement CDD
Wes Kayne (via telephone)	District Engineer
Paul Dougherty (via telephone)	SOLitude Project Manager
Mark Puthoff	PLCA General Manager
Bill Packard	Resident/HOA/Landscape Committee
Marvin Hancock	Resident/Vice Chair Privacy Committee
Brian Biittner	Resident/Privacy Committee Member

FIRST ORDER OF BUSINESS

Call to Order/Phone Silent Mode/Pledge of Allegiance

Mr. Adams called the meeting to order at 2:00 p.m.

SECOND ORDER OF BUSINESS

Roll Call

For Bay Creek CDD, Supervisors McVay, Travers, Addison, Janek and Supervisor-Elect Durney were present. For Bayside Improvement CDD, Supervisors McCarthy, Nicholson, Montgomery and Supervisors-Elect Gravenhorst and Cramer were present, in person.

All present recited the Pledge of Allegiance.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

Resident and Vice Chair of the Privacy Committee Marvin Hancock distributed exhibits on behalf of Mr. Tomlinson, Chair of the PLCA Privacy Committee. He reported that some sidewalks are settling in Goldcrest and in other areas. The Committee would like the District Engineer to inspect the sidewalks.

Resident and Privacy Committee Member Brian Bittner distributed exhibits and reported potential sidewalk trip hazards by Goldcrest and in other areas. A construction firm working at the marina and the island inspected them and felt that the cause is a combination of uplifting by tree roots and subsidence of the stormwater sewer structure. Since the CDD's stormwater structure is involved, the purpose of reporting this is to establish communication should this project proceed and to ask for the District Engineer to inspect the area.

Mr. Adams stated he will identify these structures by location and have MRI inspect any that are the CDD's responsibility and notify Mr. Puthoff of those that are the PLCA's responsibility.

BAYSIDE IMPROVEMENT CDD ITEMS

FOURTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors, Gail Gravenhorst [SEAT 2] and Bernie Cramer [SEAT 4] (*the following to be provided in separate package*)

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Gravenhorst and Mr. Cramer. Both were already familiar with the following:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F; Final Statement of Financial Interests**
- D. Form 8B, Memorandum of Voting Conflict**

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2023-01,
Designating Certain Officers of the District,
and Providing for an Effective Date**

Mr. Adams presented Resolution 2023-01. Mr. Cramer nominated the following slate:

Walter McCarthy	Chair
William Nicholson	Vice Chair
Chuck Adams	Secretary
Bernie Cramer	Assistant Secretary
Gail Gravenhorst	Assistant Secretary
Karen Montgomery	Assistant Secretary
Craig Wrathell	Assistant Secretary

No other nominations were made. Prior appointment by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, Resolution 2023-01, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

BAY CREEK CDD ITEMS

SIXTH ORDER OF BUSINESS

**Administration of Oath of Office to Newly
Elected Supervisor, Gary Durney [SEAT 5]**

(the following to be provided in separate package)

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Durney. Mr. Durney was already familiar with the following:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F; Final Statement of Financial Interests**
- D. Form 8B, Memorandum of Voting Conflict**

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-01, Declaring a Vacancy in Seats 2 and 4 of the Board of Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes; and Providing an Effective Date

Mr. Adams presented Resolution 2023-01. Mr. Travers and Ms. McVay are currently holdover Board Members in Seats 2 and 4, respectively.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Addison, with all in favor, Resolution 2023-01, Declaring a Vacancy in Seats 2 and 4 of the Board of Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes; and Providing an Effective Date, was adopted.

Mr. Adams stated that Seats 2 and 4 were up for election at the November 2022 General Election but no one qualified to run for those Seats so it was necessary to declare those Seats vacant. Ms. McVay and Mr. Travers voiced interest in being reappointed to the Board.

EIGHTH ORDER OF BUSINESS

Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 2; Term Expires November 2026

Mr. Addison nominated Mr. Travers and Ms. McVay to fill Seats 2 and 4, respectively. No other nominations were made.

On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Janek, with all in favor, appointment of Mr. Bob Travers to Seat 2 and Ms. Mary McVay, to Seat 4, was approved.

- **Administration of Oath of Office to Newly Appointed Supervisor**

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Durney and Ms. McVay.

NINTH ORDER OF BUSINESS

Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 4; *Term Expires November 2026*

- **Administration of Oath of Office to Newly Appointed Supervisor**

These items were addressed during the Eighth Order of Business.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2023-02, Designating Certain Officers of the District, and Providing for an Effective Date

Mr. Adams presented Resolution 2023-02. Ms. McVay nominated the following slate:

James Janek	Chair
Robert Travers	Vice Chair
Chuck Adams	Secretary
Gary Durney	Assistant Secretary
Jerry Addison	Assistant Secretary
Mary McVay	Assistant Secretary
Craig Wrathell	Assistant Secretary

No other nominations were made. Prior appointment by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Addison, with all in favor, Resolution 2023-02, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

JOINT BUSINESS ITEMS

ELEVENTH ORDER OF BUSINESS

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

Mr. Kayne stated there was nothing to report.

TWELFTH ORDER OF BUSINESS

Waterway Inspection Report: *SOLitude Lake Management*

The November Monthly Report was included for informational purposes.

- **Consideration of Quarterly Salinity Sampling Services for 12 Sites**

Mr. Dougherty stated salinity testing is scheduled for this month. He reported that the grate at E-12 on Pelican Nest Drive is missing. Mrs. Adams stated she has already addressed this.

Mr. Adams presented a \$2,656 annual salinity testing proposal for quarterly testing, which is part of the monthly report; approval is needed to proceed. Mrs. Adams asked about the benefits of the testing, as none of her other CDDs do it. Mr. Adams recalled previous discussion about the inundation of storm surge water affecting the aquatic plants around the ponds. This testing will let the CDDs know when the lakes have returned to normal salinity so the aquatic planting program can resume. Mr. Dougherty concurred with Mr. Adams' explanation.

Discussion ensued regarding whether what needs to be replanted was identified, the possibility that it will take a year or two before the lakes return to normal salinity and determining the actual standard base line.

Mr. McCarthy felt that testing is not necessary as aquatic planting is not done in two-thirds of the lakes.

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Montgomery, with all in favor, tabling consideration of the SOLitude quarterly salinity sampling testing proposal, was approved.

On MOTION for Bay Creek by Mr. Travers and seconded by Ms. McVay, with all in favor, tabling consideration of the SOLitude quarterly salinity sampling testing proposal, was approved.

Mr. Durney stated the aeration box on Pelican Nest Drive, near Pine Water Drive, is not working and suggested inspecting all the boxes. Mrs. Adams stated she already asked SOLitude to inspect them and to remove debris in the waterways once the water levels drop. This will be an ongoing process. She will ask SOLitude when the systems are scheduled to be reviewed.

THIRTEENTH ORDER OF BUSINESS

Committee Reports

- A. PLCA Landscape Committee**
- B. Colony Landscape Committee**

Ms. Gravenhorst presented discussion items from The Colony Board and The Colony Landscape Committee meetings, at which the CDDs received several compliments regarding post-Hurricane Ian work. The Colony Landscape Committee written report will be presented at the next meeting and will include the horticulturist's formal report on the recent assessment of the community. The horticulturist advised that the State decreed Melaleucas as invasive so they must be removed, which includes removing them from the preserves. In the horticulturist's opinion, it is not necessary to engage a specialty company to remove them.

FOURTEENTH ORDER OF BUSINESS

Update: Unbudgeted Hurricane Cleanup Costs

Mr. Adams stated that, overall, the unbudgeted hurricane cleanup costs were slightly over \$70,000 but, and based on earlier discussions, aerators might be added to that amount. Costs were as follows:

- The Colony: \$60,000 for 12 lights
- The Colony: \$10,000 for two fountains
- Bay Creek: \$500 for removal of a tree from Lake D-4

Mr. Adams stated that The Colony items were covered under the CCDs' property insurance, so he expects to recover some of those costs, less the \$10,000 deductible.

Mr. Adams responded to Board Member questions about upgrading replacement lights with a direct barrier on the lamp posts, obtaining proposal and discussing repairing the perimeter fence with the PLCA and reviewing the property insurance coverage to determine if it covers electrical system damage to the PLCA's lighting system.

Mr. Nicholson asked if these costs are included in the spending outlook budget. Mr. Adams stated he is creating an unfunded budget account and new budget line item for Fiscal Year 2023.

FIFTEENTH ORDER OF BUSINESS

Consideration of Vacation of Drainage Easement and Acceptance of Replacement Drainage Easement from Pelican Nest Golf Course

Mr. Adams presented the Vacation of Easement, which involves abandoning a portion of an existing easement and accepting a new one. The replacement drainage pipe was already installed. Mr. Urbancic stated he reviewed the document but, prior to knowing the pipe was already installed, he questioned if specific language should be included specifying the purposes for which the CDD can use the easement. Mr. McCarthy asked if a re-plat is required. Mr. Urbancic stated it is not necessary, unless the County has an interest in an easement.

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Montgomery, with all in favor, the Vacation of Drainage Easement and Acceptance of the Replacement Drainage Easement from Pelican Nest Golf Course, subject to Mr. Urbancic receiving an acknowledgement from the City of Bonita Springs not opposing the vacation and replacement and that there is no necessity for a replat, was approved.

JOINT BOARD ITEMS

SIXTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2022

Mr. Adams stated the Monthly Budget and Projection Report was delayed; it will be presented, with changes including the "Hurricane Ian Recovery" line item, at the next meeting.

Mr. Adams presented the Unaudited Financial Statements as of October 31, 2022. Mr. Durney asked for details about the \$3,392 “Pumps & machinery” expense on Page 23. Mr. Adams will research the expense and email the answer to Boards.

The financials were accepted.

SEVENTEENTH ORDER OF BUSINESS

Approval of October 24, 2022 Joint Regular Meeting Minutes

Mr. Janek presented the October 24, 2022 Joint Regular Meeting Minutes. Mr. Addison stated his attendance at the October meeting, via telephone was not recognized. Mrs. Adams will advise Accounting to pay Mr. Addison for his attendance at the October meeting.

The following changes were made:

Line 24: Insert “Jerry Addison (via telephone)” and “Assistant Secretary”

Line 48: Change “Supervisors Addison and Durney were not present” to “Supervisor Addison attended via telephone. Supervisor Durney was not present.”

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Gravenhorst, with all in favor, the October 24, 2022 Joint Regular Meeting Minutes, as amended to include today’s changes and any changes submitted to Management, were approved.

On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Janek, with all in favor, the October 24, 2022 Joint Regular Meeting Minutes, as amended to include today’s changes and 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.*

• Update: Capital Expenditure Project Funding

Mr. Urbancic stated he discussed the Boards' concerns with certain language and the CDDs being named in the initial draft changes to the PLCA'S bylaws with PLCA Counsel. This resulted in Counsel for the PLCA agreeing to refine the language so that it is clear that the PLCA is not trying to affect CDD business; the revised version is being circulated to him and the PLCA Board today.

Mr. McCarthy preferred Mr. Urbancic convey the CDDs' position, object to this and ask for the language to be removed altogether. The Boards concurred with Mr. McCarthy's request.

II. *Daniel Cox, Esq.*

Mr. Cox stated, if there is an area that is unstable with littoral plantings, there are some saltwater tolerant littorals that can be used temporarily until the lakes stabilize.

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

I. Monthly Status Report: Field Operations

The Monthly Report was included for informational purposes.

II. NEXT MEETING: January 23, 2023 at 2:00 P.M.

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

All Supervisors confirmed their attendance at the January 23, 2023 meeting.

TWENTY-FIRST ORDER OF BUSINESS

Supervisors' Requests

Mr. Durney noted talk about trying to relocate the hurricane-damaged butterfly garden to Bayside's park, which was originally a pump station. In Mr. McCarthy's opinion, that is not the right place for it, as it would require parking and obtaining a permit from the City. Ms. McVay suggested relocating it to behind Bay Cedar. Mr. McCarthy believed there are gopher tortoises on that property and recalled residents were against turning it into a dog park. Mr. Janek agreed

with Mr. McCarthy’s opinion about not moving it and stated the plants are flourishing in the existing area. Mr. Cramer felt that the PLCA should use its resources to clean up the garden.

Ms. McVay reported damages to the fishing “roll” dock. Mr. Adams stated he will review the agreement, as he believes the CDD maintains it and the PLCA is responsible for repairs.

Ms. McVay asked if she can receive relief of the \$350 irrigation bill she received. Mr. Adams stated, as a one-time lifetime request, she can submit the bill to Mrs. Adams to process for reimbursement.

Ms. Gravenhorst asked how the order to address plant replacements is determined. Mr. Adams stated the criteria is depicted in Paragraph 9 of the Agreement with the PLCA. The same Agreement with the CDD and the PLCA specifically talks about if it is an “Act of God”, capital replacement changes to materials because conditions changed.

Ms. Gravenhorst asked if there is any major expense or any plants that might need to be replaced that might impact the budget. Mr. Adams stated there are buffers that can be used.

Ms. Gravenhorst referred to recent information she received and asked Mr. Adams if the cleaning in the mangroves will be taken out of regular crew time so that it does not impact the budget. Mr. Adams stated, as long as everyone is patient with the process.

Mr. Cramer noted Mr. Kucera’s upcoming retirement. The Boards asked Mr. Adams to coordinate a function.

TWENTY-SECOND ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

There were no public comments.

TWENTY-THIRD ORDER OF BUSINESS

Adjournment

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Janek, with all in favor, the meeting adjourned at 3:21 p.m.

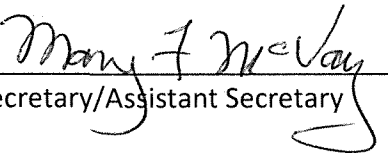
On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the meeting adjourned at 3:21 p.m.

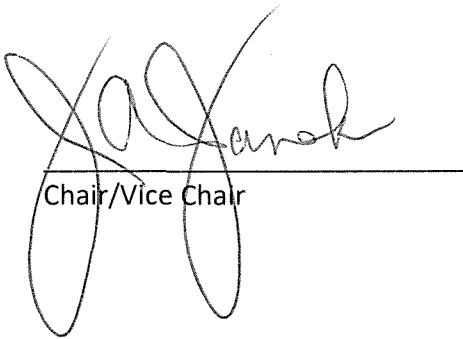
FOR BAYSIDE IMPROVEMENT


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair