

**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 February 27, 2023, 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/84137772934>, and via conference call at 1-929-205-6099, Meeting ID: 841 3777 2934 for both.

**Present for Bayside Improvement CDD were:**

Walter McCarthy	Chair
Bill Nicholson	Vice Chair
Bernie Cramer	Assistant Secretary
Gail Gravenhorst	Assistant Secretary
Karen Montgomery	Assistant Secretary

**Present for Bay Creek CDD were:**

James Janek	Chair
Robert Travers	Vice Chair
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	District Counsel, Bayside Improvement CDD
Wes Kayne	District Engineer
Carl Barraco	Barraco and Associates, Inc. (Barraco)
Andy Tilton	Johnson Engineering
Ean Sims (via Zoom)	SOLitude Project Manager
Mark Puthoff	PLCA General Manager
Cheryl Hughes	PLCA Landscape
Bill Packard	Resident/HOA/Landscape Committee
Bob Loos	Resident
Jim Borneman	Resident
Other Residents	

**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**

All Supervisors were present for Bayside Improvement CDD. For Bay Creek CDD, Supervisors Janek, Addison and Travers were present. Supervisors McVay and Durney were not present.

**THIRD ORDER OF BUSINESS**

**Public Comments: *Agenda Items***

Mr. McCarthy stated two people were designated to comment on the M&N Drainage matter; those comments will be heard at the appropriate time. Mrs. Adams stated Robert Loots and James Borneman submitted comment cards to comment on the M&N Drainage matter.

**JOINT BUSINESS ITEMS**

**FOURTH ORDER OF BUSINESS**

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

There was no report.

**FIFTH ORDER OF BUSINESS**

**Continued Discussion/Presentation of Colony Parcels M & N Drainage Design/Permitting Peer Review Report (*to be provided under a separate cover*)**

Mr. McCarthy stated a copy of the Report was provided to each Board Member. Following Mr. Tilton's report, the Board will have a discussion before accepting questions or comments.

Mr. Tilton stated he is a Professional Engineer licensed and registered in Florida since 1983. His primary area of practice is stormwater. He worked on the Lee County Surface Water Master Plan in 1979 and an update in the early 1990s. He worked on the South Lee County Watershed Plan in the late 1990s for the South Florida Water Management District (SFWMD) and has been qualified as an expert in different types of hearings and in court hearings. He is qualified

to do this from the standpoint that he has done it for many years for other districts and has worked as the District Engineer for several years. His firm is the District Engineer for a 12 or more CDDs in Southwest Florida.

Mr. Tilton presented the Report and noted that he reviewed the plans and the stormwater calculations and SFWMD is the primary agency responsible for that portion of the permitting. He initially found three questions and a fourth question arose this morning in an email. While the engineering side is addressed in the Report, the legal side must be addressed by Mr. Urbancic or Mr. Cox. He noted the following:

- Some mapping on the erosion protection plan needs a slight adjustment.
- There is fairly high velocity where the three culverts are proposed to go into Lake 6, which is not uncommon, but erosion protection needs to be added to the plans.
- A drainage easement along the edge of the property adjacent to Lake 6 does not appear to be necessary; part of this project goes into that a little bit. If it is not needed, he suggested it could possibly be removed or the need should be verified. The pond fits within the platted Lake 6 area so he did not see a need.
- A legal issue might exist with piping the water that currently comes across the site from a culvert under the roadway and into an open ditch to Lake 6. That will be replaced with a culvert; on the engineering side, he checked that the culvert is adequately sized. The legal issue is documentation stating who will operate and maintain it. If the CDD wants an interest, it must be addressed since it conveys water from off site. His understanding is that there is no easement for the ditch so the question of who will be responsible for any issues is unknown.
- The level of design meets or exceeds all Florida building code standards, from a water management standpoint.
- There is a little bit more water quality than required, which is a positive.
- The parking lot meets or exceeds the elevation requirements.
- The allowable discharge from the site fits well in the perimeter elevation.
- The finished floor elevation is looked at in two ways; freshwater flooding on the site and FEMA flooding which, in this area, would include surge. The latter is far above the on-site water level. Based on Florida building code and the FEMA elevation controls for a residential area like this, 1' can be added. The FEMA elevation for most of the site is 11'; the finished floor is proposed at 12' so that should address the issue for a few hundred years.

Mr. Adams displayed a map and Mr. Tilton identified the locations of various features, including drainage and culverts on CDD property.

Mr. Nicholson stated Pelican Sound Boulevard routinely floods and asked how this project will affect it, as it seems like drainage from it will be more circuitous. Mr. Tilton stated he has not viewed the ditch from the ground. He noted that culverts are generally smoother, though somewhat smaller in diameter. The 6' diameter pipe is sized to convey a 10-year event.

Discussion ensued regarding designs for various rain events.

Mr. Nicholson stated he was under the impression that all surface streets in The Colony were designed such that, in a 25-year event, standing water is expected on the streets but not in homes and it sounded like the margin of safety was narrowed in this zone. Mr. Tilton stated he was not aware that this area was designed for a 25-year event and noted that it is far above the minimum requirements; he would be surprised if they were designed to that level but he did not check. Lee County was in charge when this was designed and, generally, only required a five-year event standard. While some far exceed requirements, it would be rare.

Mr. Nicholson asked about garage parking, which is designed with an expectation of flooding. Mr. Tilton stated open parking lots are designed to five-year standards; garages depend on design as they can be designed above minimum flood elevations. He discussed elevations and stated the FEMA elevation is 11' and the Florida Building Code requirement for finished floor elevation for residential dwellings is 12'. He did not remember the specific garage elevation.

Mr. Nicholson asked how much the required standards mentioned are exceeded by. Mr. Tilton stated the water quality exceeded standards by 20% to 25%. The floor elevations met the minimum required standards based on Florida building codes. There are numerous safety factors built into the FEMA studies, including a 1' safety factor.

Mr. Nicholson stated questions were raised related to the calculation of permeable area and what land mass is included in the calculation. He asked if Lake 6 is included in the permeable area. Mr. Tilton stated it is not a yes or no answer; in water quality calculations, it is considered pervious because no pollutants are being added. From the standpoint of ground storage in the stormwater calculations it is considered impervious.

Discussion ensued regarding calculations related to water quality.

Mr. McCarthy stated there is a question of secondary storm designed street elevations in parking lots; he discussed how changes to the Florida Building Code and municipalities adopting

their own standards might create confusion. In Estero, streets must be rated for 25-year storms. The SFWMD standards are not his preference, as he is in a flood zone and there was tidal surge resulting in 4" of water in his home. He surmised that Mr. Tilton is stating that, during a 10-year storm, there might be water in the streets.

Mr. Tilton believed the design was based on the flow of water from the street based on a 10-year event. He did not look at the outside of the property as to what stage that would get to; the elevation calculated at the inlet on the edge of the road was below the level for a 10-year event. It might be below the level for a 25-year event but he did not look at that for that inlet, as it seemed to be accessible. For the 10-year event, the water was below the edge of the road and most of the roadway was accessible on the center line, though there could be water on the edge.

Ms. Gravenhorst asked when the standards might be revisited and whether they might be revised so residents who drive electric cars are able to drive in a 10-year storm.

Mr. Tilton stated the State is revising the water quality Environmental Permitting regulations but very little for water quantity and flooding depths. He noted issues with sea level rise and that there is no schedule for revisions to regulations. Driving depends on road conditions, what the vehicle can endure and the drivers' responsibility and judgment regarding safety.

Mr. Nicholson stated he is bothered by Mr. Tilton not knowing if this section of the road is designed to a 25-year standard and expressed concern that it might be the weak link in the community. Mr. Tilton stated to answer that fairly, he would need to review the entire community. Mr. McCarthy stated each road might not be designed to the same standard but they must assume the minimum standards that applied at the time were met.

Mr. Barraco stated he can speak on behalf of the Developer and Mr. Kayne can speak for the CDD. He suggested asking Mr. Tilton to research the permit file to determine the original design; as Mr. Tilton suggested, it is likely that some roads were designed to different standards.

Mr. Urbancic discussed Mr. Loos' four-page emailed memo and noted that questions were raised regarding the easement and whether a release and a replacement easement would be requested. He asked if the easements were dedicated to Bayside Improvement CDD.

Mr. Tilton stated he did not review the dedication of the easement adjacent to the pond, which is labeled as a drainage easement. The existing ditch is not in an easement, it just exists across the property. It might be more difficult to close it, from a legal standpoint, as it serves a purpose; however, it might be necessary, if the CDD wants to have the right to maintain it.

Mr. Urbancic noted there is a SFWMD easement in the vicinity.

Mr. McCarthy read from the email, "In addition to any engineering issues involving stormwater systems for M&N there is, I believe, a legal issue that should be of interest. Since a proposed stormwater system on M&N will transport all the stormwater that falls under Pelican Colony Boulevard from the ponds in Terezzo and I believe also stormwater flowing under Spring Creek from Phase I, the owner of M&N will own and control a portion of the CDD's stormwater system without, it appears, any legal agreement regarding responsibilities and liabilities between the CDD and the owner of M&N. What is perhaps unique for the CDD is that this system, which will be part of the overall CDD's stormwater system, is also the exact same internal stormwater system for the entire project to be built on M&N. What further adds to the legal complexity is that the property is now owned by the Developer yet at some future date legal ownership of the M&N stormwater system will be conveyed to a condominium association."

Mr. McCarthy felt that the first issue is why part of the system is on private property and maintained by a private entity and some is within easements and managed by an entity such as a CDD or an HOA.

Mr. Urbancic stated the easements provide that, to the extent relocation is necessary to support development, the CDD will not unreasonably withhold consent to relocate. He speculated that there must have been some understanding that, at the time of development of the properties, some of the issues would need to be resolved. The CDD does not have permitting authority but someone should approach the CDD to discuss what it will accept and do.

Mr. McCarthy stated that is his expectation. In his experience, the County and the Village are controlled locally, and, as a general rule, part of the stormwater systems are left to be maintained by the property owner and an entity controls the surface water management system. Prior to approval, the permitting authority will require a legal entity be designated to manage the surface water management system, in perpetuity. In Pelican Landing, the procedure is to take on maintenance of the lakes, control structures and major delivery systems to the lakes. His expectation is that an easement for that conveyance will be dedicated to the CDD and consented to by the CDD and that the CDD will take over management and maintenance of that part of it. The rest of it, including the parking lots, parking lot catch basins, roads and roadway water collection system, are owned and maintained by the PLCA, not the CDD. The CDD only takes conveyance to the lakes and the control structures.

Mr. Urbancic stated he expects a draft easement will be needed to address the owner's responsibilities and the CDD's responsibilities. SFWMD might have input or final review in conjunction with the permit.

Mr. Barraco stated the area has two easements. One around the lake, which has more than 20' around the control elevation for maintenance. That was reviewed by the Developer's attorney and he believes they concluded that the easements are adequate for the water management system. He suggested their attorney research it with District Counsel to ensure they concur. The more important issue is the need for a significant conveyance bisecting the property; he agrees with Mr. Tilton's assessment that the area needs to be maintained. The maintenance for the on-site system will be the responsibility of the Association, including maintenance of that pipe. He did not think there is concern about the Developer giving the CDD the same easement. He noted the need to determine which entity will have primary and secondary responsibility.

Resident Robert Loos introduced resident and Civil Engineer Jim Borneman who did an extensive analysis of the project.

Mr. Borneman discussed his professional background and his opinion that the most important question is how the water management system will operate for the next 50 to 75 years. He felt that Pelican Sound Boulevard flooding and easement issues need to be settled and that Mr. Barraco's statements differ from what he saw based on correspondence between Barraco staff and the SFWMD related to the eventual takeover of Operation & Maintenance (O&M) of the water management system by the Ronto Group (Ronto). He observed that Lake 6, listed as F15 on County maps, holds water from the Alterra lakes. He is concerned that, if Ronto and the HOA control that, they control water flow for most of the community and parts of Pelican Landing through the one lake. He recalled raising a possible conflict of interest with Barraco representing multiple communities and the Developer and his concern about transparency regarding the relationship between lawyers, developers and engineers hired by Ronto. He believed questions should be asked and expressed his opinion that Mr. Tilton is very qualified. He asked how much the CDD spent on the Report from Johnson Engineering. Mr. Adams stated the original quote was under \$3,000 but the scope grew as additional information was requested.

Mr. Borneman opined that the CDD got its money's worth with the Report but it might only provide a cursory review. He questioned the findings and calculations regarding portions of the lake considered pervious and impervious and expressed concern about the depth of the

Report's findings, given representations made by Barraco. Mr. Tilton stated that the Report indicated the lake was considered impervious for quantity calculations, so it would not be double-counted in soil studies, but pervious for water quality.

Mr. Borneman questioned the Report's scope, given that numerous assumptions were made, and agreed with the noted need for riprap at the end of the effluent pipe, the observation of features to protect water quality during construction and the assessment that the easement was well constructed. He is worried about a 42" pipe that eventually leads to a 72" common pipe for community water; he feels there should be a transition plan, including temporary culverts to handle water flow at the beginning of the project. Noting that drawings submitted to SFWMD indicated the connection of Collier Boulevard is included in Phase 2 of the two-phase project, he asked where the water under Pelican Colony Boulevard will go at the start of the project. He expressed his opinion that the study was not detailed enough but, while the CDD got its money's worth with the Report, there are many questions to consider over the next 50 to 75 years. He believes O&M of the lake includes water quality, recalled discussions about where testing is being done and suggested monitoring the control mechanism on Lake 6 to get a baseline water quality level, because, as environmental laws get stricter and Estero Bay protections are enacted, the control mechanisms might be tougher. Speculating that the HOA might lack the expertise or interest in maintaining water quality, he recommended the CDD have operational control.

Mr. Loos is worried that a legal issue could arise due to the proposal for the M&N system to be combined with the overall CDD system. He believes liability could exist since the Engineer's Report demonstrated that things could go wrong. He recalled SFWMD advising that the Developer does not meet the criteria as the operating entity for this type of residential development and expressed his opinion that the condominium association would be a worse choice. He recommended the CDD remain the operating entity, discussed the reasons and noted other issues with water management that should be addressed.

Mr. McCarthy asked Mr. Barraco if his design separates the off-site flows from the on-site flows. Mr. Barraco stated the plan is consistent with the permit; he supposed the flows could be separated but he did not see any benefit to that; he would need to research the issue.

Mr. McCarthy recalled Mr. Loos' opinion that a liability could be created if one party's water is affecting another party's water.

Mr. Barraco noted that the CDD is responsible for the major backbone of the system and the other smaller systems are responsible for their own sites. He opined that the CDD is the O&M entity for the backbone system, which is meant to attenuate the stormwater runoff so there is no flooding and to provide the water quality for the major system, so he saw no purpose or benefit to separating the water flow into two systems.

Mr. McCarthy asked Mr. Urbancic if he anticipates any such legal issues. Mr. Urbancic did not necessarily see a legal issue. He asked if there is a way to separate the responsibilities assigned on the stormwater management permit and, if so, what is the best way to do so.

Mr. Barraco stated there was some confusion because the CDD is responsible for the overall O&M of the mechanical system, conveyance and the lakes. In the same situation, the land on site is the responsibility of the condominium association or any other legal entity but not the CDD, which is very common with many commercial parcels closer to US41. In this case, it is proposed that the condominium association own, operate and maintain facilities on site and discharge into CDD facilities, which are the backbone. A portion of the backbone is on this property and will remain and there is currently no easement. He might suggest an easement be granted and asked if the CDD will accept.

Mr. McCarthy stated it is the policy of the CDD to accept maintenance easements.

Mr. Urbancic asked, when construction is done and the permit is ready to be transferred from construction to authorization, who is responsible.

Mr. Barraco stated this situation is different than permitting in the past because the SFWMD recently changed the procedures; a new application, permit and permit number would be issued associated with just this project, not the entire system. The CDD will continue to be responsible for O&M outside of the permit.

Mr. McCarthy asked Mr. Barraco for his thoughts about a transitional plan for the conveyance of surface water during project construction. Mr. Barraco stated it is the Developer's responsibility to maintain the drainage throughout construction; the permit requires the contract to state that they will be responsible for maintaining all drainage through construction. One of two things would happen; in Phase 1, the entire ledge would be installed, or, if it is phased, the poured pipe could be installed in Phase 1 and the remainder in Phase 2. He does not know how the project was set up.

Mr. McCarthy asked Mr. Barraco to address the question regarding impervious versus pervious land. Mr. Barraco stated he thought Mr. Tilton was clear when he stated that the numbers have not changed; the original permit had a higher assumption for the impervious area on this site and, in fact, it is lower than the original assumption. As Mr. Tilton stated in one instance, the lakes are considered impervious and, in others, they are considered pervious except that they are considered impervious for purposes of water quality.

Mr. McCarthy asked if this was reviewed by Mr. Barraco's firm and approved by the SFWMD. Mr. Barraco stated it was designed by his firm, quality reviewed by an independent group in his firm and reviewed by the City and SFWMD. The Environmental Engineer is completing his review and Real Property had one final question regarding the confusion about maintenance in the systems and he believed that was just clarified. The condominium association would be responsible for maintenance of the system off site and the CDD would be responsible for maintenance of the system on site. The reason is that the site depends on that site as well as any other in the CDD.

Mr. McCarthy asked Mr. Adams about the comment that the Lake 15 control structure is not monitored. Mr. Adams stated it was not included in the testing as it is not considered one of the major outfalls based on volume. Mr. McCarthy asked if O&M of it is monitored. Mr. Adams replied affirmatively.

Mr. Nicholson asked about the backbone system and other sites that feed into the backbone. Mr. Barraco stated a segment of the conveyance is an open ditch that is part of the master system that the CDD does not control because it does not have an easement, which has never been an issue and is the way it has been done since before his firm was involved. This would finalize that the CDD should have the right to an easement. If the CDD is primary, it would have initial responsibility to fund and maintain but, if secondary, the CDD could act if the primary fails to fulfill its responsibility. Mr. Adams stated the CDD's preference is to be the primary.

Mr. Cox stated, when the plats were recorded, Lee County required the CDD to pass and record resolutions stating the CDD is responsible for the backbone drainage. If this is to be part of the backbone, the CDD is responsible for it as the CDD accepted responsibility years ago.

Mr. Tilton stated if the CDD wants primary responsibility, an easement over those facilities would be preferable. Mr. Barraco stated he does not have the authority but that would be his recommendation to his client and he expects they would honor it.

Mr. Barraco stated he takes his profession very seriously and, more than once, the idea of a conflict of interest was discussed. He addressed it at the last meeting and wished Mr. Tilton was still present because he would have asked him if his firm had acted as Engineer of Record and District Engineer at any time in the past, as his guess is that he would have said yes. He expected that the District Manager and District Counsel would confirm that it is very common for the Engineer of Record to serve as District Engineer. He noted that his profession is governed by a standard of care in the industry and it should be accepted that there is no conflict of interest.

Mr. McCarthy stated the CDD has work to do with respect to securing the easement. He asked Mr. Barraco about a transition plan.

Mr. Nicholson expressed concern about the 10-year flood on the roadway and how it matches the rest of the community design. He supports an additional study to determine if the proposed design is in keeping with the rest of The Colony.

Discussion ensued regarding whether to undertake an additional study. Mr. McCarthy noted that the design must meet minimum standards and questioned the purpose of the study, given that nothing can be done with the information.

Mr. Urbancic noted the CDD is not a permitting authority. The CDD is accepting facilities but the permitting authority will be responsible for enforcement if there is an issue.

Mr. Barraco stated his office confirmed that the intention for the project is for the pipe to be completed in Phase 1. The contract will maintain drainage until the pipe is complete and then drainage will switch over. Regarding the easement, his client stated the intention is to dedicate the easement to the CDD for primary responsibility.

Ms. Gravenhorst asked Mr. Barraco if riprap would be added, as suggested by Johnson Engineering. Mr. Barraco stated that change and another graphical change discussed by Mr. Tilton, which would have been covered by technical specification, were made to the plans.

Mr. Urbancic asked when is the appropriate time to negotiate the easement. Mr. Barraco recommended waiting until the start date for construction is known.

**SIXTH ORDER OF BUSINESS**

**Discussion: Relationship Between the  
Bayside Improvement CDD and Barraco  
Engineering**

Mr. Barraco stated, during construction, his firm will be on site monitoring contractors on behalf of Ronto. They do not typically perform observations on the CDD's behalf during construction. Mr. Adams stated part of the turnover and acceptance process requires viewing the pipe and the CDD has a contractor that performs the inspections via video. Mr. Barraco noted the Engineer of Record will provide certifications to the City and to SFWMD.

Mr. Nicholson recalled being reminded at the last meeting that, in January, they were advised of Barraco's dual purpose Barraco serving for Ronto and the CDD. Mr. Nicholson and Mr. McCarthy regretted not recognizing the implications at the time.

Discussion ensued regarding Barraco's comments to SFWMD and at the January meeting.

Mr. Nicholson stated Barraco's staff needs to make the CDD aware of communications in which the CDD is referenced.

Communication processes were discussed.

**SEVENTH ORDER OF BUSINESS**

**Waterway Inspection Report: February  
2023 - SOLitude Lake Management, LLC**

- **Update: Lake Foaming During Winter Months**

Mr. Sims presented the Monthly Report. The lakes were treated on February 16, 2023 and no lake foaming was noticed at that time. Some sulphur odors were noted and illicit discharge was ruled out and it was concluded; the odor was likely due to mangroves. Algae was treated and bacteria added; it might take six weeks for the odor to subside.

Mr. Travers expressed surprise that A-16 was not included in the Report as, in his opinion, it is becoming an issue. He stated The Nest Club's President plans to send a communication to members. He understands the mangrove seed is causing the sulphur odor, algae and lake color.

Regarding what is being done to speed recovery, Mr. Sims stated algae was treated and bacteria added to help with breakdown. Mrs. Adams will obtain a quote for pond aeration. Mr. Adams stated, while it will help in the future, it will likely not help with the current event. Asked if it will be alleviated within six weeks, Mr. Sims replied affirmatively. Mr. Adams stated lake foaming can occur naturally; it is not always due to illicit discharge.

Mr. Travers asked why A-16 is the only one affected. Mr. Adams stated, while he was not certain, the lake is adjacent to the mangroves, it flooded recently and Spring Creek was likely inundated, as were lakes.

**EIGHTH ORDER OF BUSINESS**

**Committee Reports**

**A. PLCA Landscape Committee**

Ms. Hughes distributed and presented the Report.

A Board Member noted a traffic circle at the bottom of Greenview Drive; the CDD owns the ridge past that. A lot of hurricane damage was sustained in that areas, at house number 3406 and a large area where a tree was removed.

Discussion ensued regarding land in the vicinity to be enhanced.

Mr. Cramer applauded Ms. Hughes and her team's efforts. He stated the berm near the north entrance on Pennyroyal needs attention.

**B. Colony Landscape Committee**

The Report was included for informational purposes.

Mr. Nicholson asked Mrs. Adams for an update on the streetlights ordered by Bentley. Mrs. Adams stated there was no update.

Mr. Travers stated the streetlight on Pelican West Drive is on 24-hours per day; some lights are orange and some are white. The consensus was there is a mix of old and new lights.

**JOINT BOARD ITEMS**

**NINTH ORDER OF BUSINESS**

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

Mr. Adams presented the Monthly Budget and Year End Projection Report. Minor pending adjustments will bring the General Fund positive.

**TENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial  
Statements as of January 31, 2023**

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2023.

The financials were accepted.

**ELEVENTH ORDER OF BUSINESS**

**Approval of January 23, 2023 Joint Regular  
Meeting Minutes**

Mr. McCarthy presented the January 23, 2023 Joint Regular Meeting Minutes.

**On MOTION for Bayside by Mr. Cramer and seconded by Ms. Montgomery, with all in favor, the January 23, 2023 Joint Regular Meeting Minutes, as amended to include 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 January 23, 2023 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.**

**TWELFTH ORDER OF BUSINESS**

**Action/Agenda Items**

The Action Items were updated following the meeting.

**THIRTEENTH ORDER OF BUSINESS**

**Old Business**

There was no old business.

**FOURTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

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

- **Update: Second Amendment and Restated Bylaws of Pelican Landing Community Association, Inc.**

Mr. Urbancic stated that PLCA Counsel is aware of the CDDs' request to remove certain language in the Bylaws, It and other comments will be reviewed at the PLCA's February meeting. He will remind PLCA Counsel of the request to remove Section 7.4Bii and references to the CDDs.

**II. *Daniel Cox, Esq.***

There was no report.

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

**I. **Monthly Status Report: Field Operations****

The Monthly Report was included for informational purposes.

Mr. Adams presented an encroachment request and recommended approval.

**On MOTION for Bayside by Ms. Montgomery and seconded by Ms. Gravenhorst, with all in favor, granting a continued easement encroachment at 25121 Bay Cedar Drive, was approved.**

**II. NEXT MEETING: March 27, 2023 at 2:00 P.M.**

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

All Supervisors confirmed their attendance at the March 27, 2023 meeting.

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

Supervisors Travers and Janek confirmed their attendance at the March 27, 2023 meeting.

Supervisor Addison will attend via telephone.

**FIFTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

Mr. McCarthy thanked Mr. Kemp for immediately responding to the eruption of a watermain on Pelican Colony Boulevard on Saturday. Mr. Adams stated Mr. Kemp will take over as Field Manager beginning Wednesday March 1, 2023; tomorrow is Mr. Kucera's last day.

Mr. Cramer expressed concern about the Golf Course's proposal to prevent access to nonresidents using the toilet facilities by the kayak park.

**SIXTEENTH ORDER OF BUSINESS**

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

Regarding the Bylaws redraft, Mr. Packard stated the next PLCA meeting is March 8, 2023. At the last meeting, painting the monuments along US41 was discussed. The Colony Golf Club asked to work on a monument; the issue was raised. Mr. McCarthy noted the monuments are approved signs that require Village approval. Mr. Packard stated it will be addressed accordingly.

**SEVENTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the meeting adjourned at 4:27 p.m.**

**On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the meeting adjourned at 4:27 p.m.**

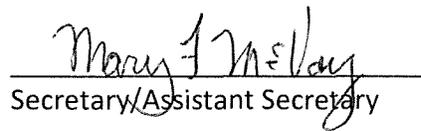
**BAYSIDE IMPROVEMENT  
& BAY CREEK CDDS  
FOR BAYSIDE IMPROVEMENT**

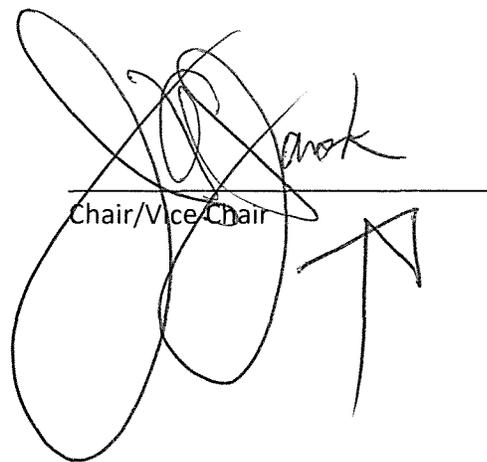
**February 27, 2023**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair