

**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 March 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 (via telephone)	Assistant Secretary
Mary McVay	Assistant Secretary
Gary Durney	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
Carl Barraco (via telephone)	Barraco and Associates, Inc. (Barraco)
Bailey Hill (via Zoom)	SOLitude Lake Management
David Gillespie	The Nest Golf Club General Manager
Mark S. Held	Resident
Charlotte McCarthy	Resident
Debbie McKenna	Resident
Joyce Swartz	Resident

**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 McVay, Durney, Janek and Travers were present. Supervisor Addison attended by telephone.

**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. Addison, via Zoom/phone, due to exceptional circumstances, was approved.**

**THIRD ORDER OF BUSINESS**

**Public Comments: *Agenda Items***

Mr. Dave Gillespie, General Manager of The Nest Golf Club, stated the club recently changed its "Doing Business As" (DBA) name from "Pelican's Nest Golf Club" to "The Nest Golf Club" and new logos were developed. He distributed and presented renderings of new proposed logos and signage from by Lykins Signtek for signage on US-41 at the north and the south gates.

Discussion ensued about the color of the proposed signs, approval and permitting processes and the color scheme of existing Pelican Landing signs. Mr. Gillespie stated they only want to replace the lettering color, not the existing signs at the north gate and the south gate.

The consensus was that the color should match the community's architectural elements and existing green color scheme, rather than the blue and white color depicted in the renderings.

Discussion ensued regarding the various community entities and which is responsible for approving the signs.

Mr. Durney recalled a copyright issue when the Landscape Committee discussed updating the monuments. His understanding is that WCI or Lennar controls the logo and color scheme.

The proposed and current color schemes, existing monuments, lighting and community consensus were discussed.

Mr. Gillespie stated he could propose that the wording and logo be approved, subject to matching the existing color scheme. He stated The Club is more concerned about denoting the changes to the name than the logo colors. The PLCA Board was approached first and referred him to the CDD. Mr. Adams stated the PLCA Review Committee should weigh in.

**On MOTION for Bay Creek by Mr. Janek and seconded by Ms. McVay, with all in favor, The Nest Golf Club signage, with a logo color scheme consistent with the current colors and subject to PLCA review, was approved.**

**On MOTION for Bayside by Ms. Montgomery and seconded by Mr. McCarthy, with all in favor, The Nest Golf Club signage, with a logo color scheme consistent with the current colors, and subject to PLCA review, was approved.**

**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 Mr. Barraco emailed about what transpired since the last meeting.

Mr. Adams had nothing additional to report.

Mr. Barraco had nothing additional to report.

Mr. Nicholson noted that an internal portion of the drainage system administered by the CDD will be modified by a third party and asked if the CDD has approval rights for the proposal since it will affect a system for which the CDD is currently responsible.

Mr. McCarthy stated the CDD has no authority in the permitting process, which is under the purview of The South Florida Water Management District (SFWMD).

Mr. Urbancic stated, before the systems are accepted the CDD will inspect them for deficiencies; permitting is outside the purview of CDDs but CDDs have the right to review the system before accepting it.

Mr. Nicholson expressed concern about flooding on Pelican Colony Drive, where the drainage system will be in various states of change.

Mr. Barraco stated, when the system is certified, it will be subject to the permit and all the requirements of the permit. The SFWMD will be the entity that ensures compliance. If any changes to the system are suspected, particularly in external flow way drainage, he believes it would be appropriate at that time to notify SFWMD and have them investigate. He stated the Engineer of Record reviewed all the requirements and the CDD's independent Engineer reviewed the stormwater design and found it to be in compliance with the permit.

Mr. McCarthy noted that storms are evaluated on a case-by-case basis.

Mr. Adams recalled Mr. Barraco noting at the last meeting that a 10-year storm event is the minimum and, while some portions are designed to withstand a 25-year storm, that level might not apply across the board. Pelican Landings' system is extremely compartmentalized; there are nearly 100 different permits issued and many Engineering firms in Southwest Florida maintain some part of the system.

Mr. Urbancic reiterated that, when the facilities are ready to be turned over, the District Engineer will inspect and certify that the facilities are built in compliance with the SFWMD permit.

Mr. McCarthy noted the CDD can retain an Engineer if it chooses but the determination is usually made by all the certifications that were already made; the Engineer of Record must certify that it is constructed accordingly and then it is approved by the SFWMD. He questioned if the CDD should hire a third-party Engineer and noted it was never done in the past. Field verifications and inspections were performed only for structures within the system that were not certified; those that were correct were certified and those that were not were corrected.

Mr. Cramer asked Mr. Adams if he believes this drainage area will impact A23. Mr. Adams stated he does not anticipate an impact.

Mr. Nicholson did not understand how the system will be continually in an effective mode throughout construction. Mr. McCarthy stated that is the contractor's responsibility. Mr. Barraco stated the contractor is obligated to provide those services and, in addition, the public can rely on the SFWMD and the City agencies if anything improper is observed.

Ms. Hill presented the Monthly Report and noted the following:

- The lakes look good; submerged vegetation and algae are at controlled levels.
- Shoreline weeds will be treated as noted in the Report.
- A proposal for removal of hurricane debris will be provided by the end of the week.

Ms. McVay stated her neighbor is concerned about dead fish and about the grass around the edge of the pond that has not recovered since Hurricane Ian.

Discussion ensued regarding saltwater that flooded into the lake. Mrs. Adams stated planting will not occur until the rainy season. Mr. Willis stated the first round of rains should wash the salt from the soil.

Mr. Durney stated the aerator at the south end of B-9 has not been working for about a month. He believes the SOLitude Report should indicate whether the aerators are operational. Mrs. Adams stated she asked the on-site technicians to provide this information but it will not typically be included in the Report.

Ms. Hill stated she will work with Mr. Sims to address the issues.

Mr. Travers asked about A-16. Ms. Hill thought a new compressor was ordered and should be received soon; when the system is restored the mangrove-related sulphur odor should be resolved. Mrs. Adams stated SOLitude recently installed a temporary surface aerator at A-16; competitive proposals for a new system were requested.

Regarding A-23 cleanup, Mrs. Adams stated proposals from EarthBalance and SOLitude are pending. The pipe was inspected on March 7, 2023 at no charge. Cleanout will cost \$2,000. Mr. Cramer asked for a water check to be performed when SOLitude addresses the issues.

**SEVENTH ORDER OF BUSINESS**

**Committee Reports**

**A. PLCA Landscape Committee**

There was no report.

**B. Colony Landscape Committee**

The Report was included for informational purposes.

**JOINT BOARD ITEMS**

**EIGHTH ORDER OF BUSINESS**

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

This item was discussed in conjunction with the Ninth Order of Business.

**NINTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial  
Statements as of February 28, 2023**

Mr. Adams presented the Monthly Budget and Year End Projection Report and the Unaudited Financial Statements as of February 28, 2023. Several adjustments were made since the last meeting. "Contractual Services-culverts/drain" will be adjusted to reflect budgeted amounts. "Landscape services-Unbudgeted Contractual Services" reflects unbilled amounts that will be addressed with Johnson Tree Service.

Mr. Adams stated the last significant seasonal expense will be a large flower replacement in the summer. Residents have commented on tree trimming; due to tree damage, hardwoods were cut earlier than in past years to allow more time for recovery during rainy season. Ms. Montgomery felt that the trimming was well done and it will be very enjoyable in the fall.

Mr. McCarthy voiced his opinion that the CDDs might want to invest in CDs given the interest rate increases. Mr. Adams stated he asked Accounting to sweep the large cash balance into the Investment Cash Sweep which invests funds in diversified FDIC insured investment vehicles offering yields in the 3% to 4% range. Per Statute, CDDs are limited to investments that aim for preservation of principal.

The financials were accepted.

**TENTH ORDER OF BUSINESS**

**Approval of February 27, 2023 Joint Regular  
Meeting Minutes**

**On MOTION for Bay Creek by Mr. Travers and seconded by Ms. McVay with all in favor, the February 27, 2023 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.**

**On MOTION for Bayside by Ms. Montgomery and seconded by Ms. Gravenhorst, with all in favor, the February 27, 2023 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.**

**ELEVENTH ORDER OF BUSINESS**

**Action/Agenda Items**

The Action Items were updated following the meeting.

**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.***

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

Mr. Urbancic stated that PLCA Counsel has not responded to the CDDs' request to amend the Bylaws. A Lee County Resolution allows for the publicly accessible website to include public notices. This might allow for a cost savings in legal advertising expenses. Board Members might be subject to additional educational requirements in the future.

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

Mr. Cox's remarks over the phone were inaudible.

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

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

The following was reported:

➤ 3709 Bay Creek Drive Restoration Project: The Johnson Engineering Report and requirements to replant the area were received; a quote was requested from EarthBalance to replant the area where the resident removed plantings.

➤ The Colony streetlamps project is projected to be complete by the end of April.

Discussion ensued regarding the Action Items List and the resolution of Item 7.

Mr. Adams stated, with regard to property insurance coverage of electrical system damage to the PLCA's lighting system, the monuments maintained by the CDD are covered by the policy regardless of whether they are owned by the CDD or the PLCA. Exceptions to coverage includes holiday lights. Lights tied into monuments are covered by the insurance.

Mr. Durney recalled previous discussion about the Landscape Committee's need to locate records of ownership and maintenance responsibility within the CDDs.

Mr. Cox stated he was unable to locate a previously discussed spreadsheet. Mr. Adams stated the information will need to be recreated. Mr. Cox recalled previous discussions with the PLCA about developing a maintenance schedule. Mr. Adams stated Mr. Felipe Lemus, with FL GIS Solutions, is the contractor responsible for updating the GIS maps.

Discussion ensued regarding the insufficiency of the maps, maps that might be reordered and inaccuracy of the GIS maps and layers. Mr. Willis will meet with Mr. Lemus to address this; requests for maps must be specific with regard to the layers needed.

**II. NEXT MEETING: April 24, 2023 at 2:00 P.M.**

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

All Supervisors for both CDDs confirmed their attendance at the April 24, 2023 meeting.

**FOURTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

Ms. Montgomery asked if an enclosed dog park was considered as an amenity. Mr. Adams stated a dog park on public property would affect gate operations. He recalled some discussion of a dog park to the west of the Hyatt. The consensus was that the parcel is in use for parking and many residents do not want a dog park in their backyards.

Mr. Janek thanked the Landscape Committee, which determined that the berm extends into The Point and all the way to Spring Creek.

Mr. McCarthy stated that Mr. Kucera retired and Mr. Kemp assumed his position and responsibilities. The new Irrigation Manager is a longtime employee. Mr. Adams stated the Irrigation Manager will continue under Mr. Kemp's supervision during the transition period.

**FIFTEENTH ORDER OF BUSINESS**

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

Bay Cedar resident Charlotte McCarthy stated residents are extremely concerned about the buffer along Bay Cedar Drive. A hard cut was done and, while they understand that it is supposed to grow back, residents are impatient and would like something to be done. She opined that the drainage area behind 25220 Bay Cedar Drive is very untidy and needs maintenance.



Resident and Neighborhood Committee President Debbi McKenna discussed the varying height of the shrubs on Bay Cedar Drive and noted that, while she understands the hard cut process, in her opinion, it is unsightly and residents would appreciate anything that improves the appearance. She thinks the circle at 25260 that was underwater is completely empty and needs to be addressed and the Bougainvillea on the circle at Midway need attention. She stated residents want to know if some variegated Crotons can be planted in areas with only plain brown mulch. She asked the CDDs to consider the request and advise on how they can assist.

Resident Joyce Swartz discussed flooding due to a drainage failure and expressed concern about the drainage area behind her home.

Ms. Gravenhorst discussed plants that offer screening. Trimming is underway and planting will be in the rainy season, once the rains wash away salt in the soil from saltwater flooding. Mr. McCarthy recalled the buffer was intended to have a certain degree of opacity.

Resident Mark Held, representing several residents, stated a 20' high wall of vegetation in the conservation area includes debris and non-native plants and has become a fire hazard. Mr. Adams stated the area will be inspected to ascertain what can be done. Mr. Held stated those he represents will contribute financially, if they are responsible for doing so.

The Bayside Improvement CDD meeting adjourned at 3:34 p.m.

▪ **Bay Creek CDD Irrigation Services Rate Increase**

**This item was an addition to the agreement.**

Mr. Adams discussed the proposed irrigation Services rate increase needed to cure the 18% budgetary deficit. Due to advertising requirements, the Public Hearing will be held at the May meeting. Rates have not increased in four years and, during that time, reclaimed water costs have increased substantially. The 21.74% increase will be phased in at approximately 5% annually, over four years. The average water bill will be about \$35 per month.

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the Bay Creek CDD Rate Analysis and authorizing Staff to advertise for a Public Hearing on May 22, 2023 at 2:00 p.m., was approved.**

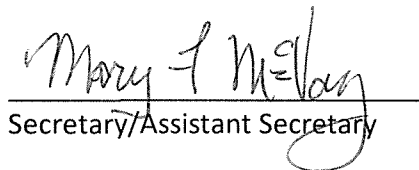
**BAYSIDE IMPROVEMENT  
& BAY CREEK CDDS  
FOR BAYSIDE IMPROVEMENT**

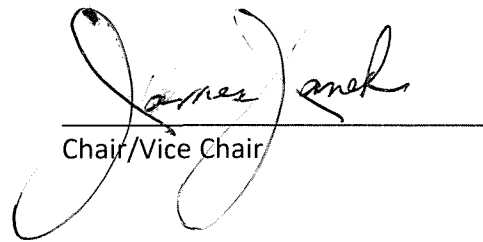
**March 27, 2023**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair