

**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 April 24, 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
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
Bailey Hill (via Zoom)	SOLitude Lake Management
Ean Sims (via Zoom)	SOLitude Project Manager
Paul Kemp	Field Manager
Cheryl Hughes	Resident/PLCA Landscape Committee Chair
Richard & Mary McPhail	Residents
Debbie McKenna	Resident

FIRST ORDER OF BUSINESS

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

Mr. Janek 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.

All Supervisors were present for Bay Creek CDD.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

On behalf of himself and the homeowners on each side of him, resident Richard McPhail asked for the CDD to install additional shrubs to the left of the main gatehouse to fill in vacant areas due to recent cutbacks. He feels that trespassers are accessing their backyards enroute to Publix. He believes an agreement was executed years ago allowing residents to maintain the area. Mr. Adams stated that the PLCA agreed to Mr. McPhail's request; this is Mr. Kemp's first priority and he is sourcing the material.

Discussion ensued regarding a suggestion to memorialize any such agreement in writing for future owners, have the PLCA extend the fence being repaired, permit delays and sending an e-blast about security issues and respecting residents' properties.

It was noted the that the new PLCA Board designated Grace as the point of contact and hopes she will attend CDD meetings.

A Memorandum of Understanding will be prepared for future maintenance by residents.

Ms. Gravenhorst questioned how this request can be approved while ignoring a Bay Cedar resident's similar request at the last meeting. Mr. McCarthy stated the difference is that Bay Cedar's issue is storm related and the PLCA Landscape Committee is looking into it. It was noted that several areas have the same issues and need to be addressed.

JOINT BUSINESS ITEMS

FOURTH ORDER OF BUSINESS

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

Mr. Kayne reported the following:

- April 30, 2023 concludes Year 6 of the National Pollutant Discharge Elimination System (NPDES) MS 4 permit. He will start preparing the annual report, which is due the end of October.
- The South Florida Water Management District (SFWMD) website posting indicates the M&N permit for the Infinity at The Colony project is approved.

Mr. Kayne was asked to check on the Development Order with the City.

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)

This item was addressed during the Fourth Order of Business.

SIXTH ORDER OF BUSINESS

Waterway Inspection Report: April 2023 - SOLitude Lake Management, LLC

Mr. Sims presented the Monthly Report. He noted on-site inspections and necessary treatments are performed every Tuesday.

Mr. Durney thinks the Bay Crest Lake D-6 aerator air-line is weak and should be inspected. Discussion ensued regarding turning off the aerators at night versus running them 24/7.

Mr. Adams will email The Brooks study to Mr. Durney.

SEVENTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

In lieu of a report, resident and Committee Chair Ms. Hughes discussed the current projects, finalizing hurricane remediation projects, updating the front of the community center, painting the monuments and improving lighting at the center entrance. They hope to update the landscape at the three major entries in Fiscal Year 2024. She discussed the Committee negotiating a request to install about 24 hardwood trees around the pickleball courts for noise abatement.

Discussion ensued regarding the Committee, the CDD coordinating projects in unison to make sure proper irrigation is installed during the landscape installation process, color scheme

for the monuments, color of the shed roof at the traffic circle and the PLCA, Golf Club and CDD being exempt from the rules.

Regarding the Golf Course's request to change the colors of the monument, Mr. Adams stated the CDD is fine with the color change as long as it is consistent with the current colors and is approved by the Design Review Committee (DRC).

B. Colony Landscape Committee

Ms. Gravenhorst stated a meeting was held Wednesday with Landscape Chair Amy Carabba and Mr. Kemp. They are asking the CDD for updates and when issues might be resolved. Mr. Kemp was asked to delineate the request, in writing, for the CDD to cover and those that need to be identified as hurricane related and financially a Colony cost. She distributed photographs of a post-hurricane event.

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 March 31, 2023

Mr. Adams presented the Monthly Budget and Year Ending Projection Report and the Unaudited Financial Statements as of March 31, 2023. Irrigation rates will increase. He responded to questions, addressed a request to determine what the CDDs' spent on hurricane cleanup and noted Staff's meeting with the PLCA prior to the CDD meeting.

Regarding investments, Mr. Adams stated the operating cash was transferred to the FineMark Bank Investment Cash Sweep (ICS) account in March. He will provide a report at the next meeting.

The financials were accepted.

TENTH ORDER OF BUSINESS

Approval of March 27, 2023 Joint Regular Meeting Minutes

The following change was made:

Line 301: Change “increase” to “be”

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

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Gravenhorst, with all in favor, the March 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 the PLCA Bylaws were updated and Section 7.4Bii was removed.

II. Daniel Cox, Esq.

Mr. Cox stated he is monitoring the legislative session regarding an ethics bill that, if passed, will require all elected Special District Board Members to attend a four-hour ethics training session, annually.

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

I. Monthly Status Report: Field Operations

Mr. Kemp’s Monthly Report was included in the agenda package.

The Field Operations Report was distributed in the meeting. Mrs. Adams reported the following:

- 3709 Bay Creek Drive Restoration Project: All information was provided to Mr. Cox to send another letter to the homeowner requesting reimbursement to the CDDs.
- Nano-bubbler Lease Agreement: The Agreement with SOLitude expires July 31, 2023.

Mrs. Adams asked if the Boards want to terminate the Agreement, since the aerators have not been working for a while. She will provide another alternative after researching further.

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Addison, with all in favor, terminating the nano-bubbler lease agreement with SOLitude, was approved.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, terminating the nano-bubbler lease agreement with SOLitude, was approved.

Mr. Durney asked if there will be water quality data indicating the benefits of the nano-bubblers versus regular aeration. Mr. Adams stated that, with water quality panels, it takes longer to see any changes, year-over-year.

Discussion ensued regarding irrigation water restrictions, how the system operates, educating homeowners of which CDD they are in and the inability to sell the irrigation water.

Mr. Kemp explained the reasoning behind this.

II. Number of Registered Voters as of April 15, 2023

- a. **Bayside Improvement CDD: 3,043**
- b. **Bay Creek CDD: 790**

III. NEXT MEETING: May 22, 2023 at 2:00 P.M.

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

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Nicholson suggested implementing a machinery maintenance program specific to landscape and irrigation items, similar to the Monday Software Program. Mr. Kemp will prepare

a summary of items needed now and the associated costs to be incorporated into the Fiscal Year 2024 budget. Board Members expressed support for creating a new “Field Operations parts replacement” budget line item and using about 18% of surplus fund balance to fund it.

Mr. Cramer expressed concern about worker safety and asked to include funds to install flashing lights on the ATVs in the new budget line item.

Ms. Montgomery stated that several residents approached her about the cane toad and iguana population becoming a problem.

Discussion ensued regarding the unsuccessful iguana program and the Cane Toad Tadpole Removal Programs at Mediterra and The Brooks CDDs, which only cover the lakes and common areas and costs about \$50,000 to \$60,000 annually.

A proposal to remove cane toads will be obtained for the next meeting.

Ms. Gravenhorst asked for a spreadsheet depicting items in the General Ledger that the CDDs maintain but another entity owns.

Mr. McCarthy stated he emailed photographs and a request to Mr. and Mrs. Adams and Mr. Kemp to have two trees on Golf Crest inspected to determine if they should be removed. Mrs. Adams stated they will be removed.

Regarding the Monday Maintenance Machinery Program, Mr. Durney suggested the Landscape Committees tag the type of work to be done on different types of landscaping so it can be incorporated into the CDDs’ budget. Mr. Kemp discussed the data program.

FIFTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

Bay Cedar resident Debbie McKenna thanked all the Board Members for listening to resident concerns about the issue at Bay Cedar Drive and Pennyroyal Drive. She reported the torn silt fencing is in need of repair and asked for the silver poles to be removed.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Addison, with all in favor, the meeting adjourned at 3:29 p.m., was approved.

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the meeting adjourned at 3:29 p.m., was approved.

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

April 24, 2023


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair