

**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 Public Hearing and Joint Regular Meeting on May 22, 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
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 (via telephone)	Operations Manager
Dan Cox (via telephone)	District Counsel, Bay Creek CDD
Greg Urbancic (via telephone)	District Counsel, Bayside Improvement CDD
Wes Kayne	District Engineer
Mark Puthoff	PLCA Assistant General Manager
Bailey Hill	SOLitude Lake Management
Ean Sims	SOLitude Project Manager
Gary Coluzzi	SOLitude SWFL District Manager
Paul Desenberry	SOLitude

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. Supervisors Addison, Janek, McVay and Durney were present for Bay Creek CDD. Supervisor Travers was not present.

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

No members of the public spoke.

JOINT BUSINESS ITEMS

FOURTH ORDER OF BUSINESS

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

Mr. Kayne reported that the Development Order (DO) for the amenity parcel was approved on April 25, 2023.

Regarding the DO for M&N, Ms. Gravenhorst noted homeowner concerns and asked if anyone observed the ongoing clearing to ensure its appropriateness. Mr. Adams stated, when driving by that perimeter, he noted clearing had commenced and silt fencing was installed. His understanding is that the canal will continue to receive water until the entire site's stormwater system has been constructed, which will take time as the rainy season is approaching.

Mr. McCarthy asked Mr. Kayne to request a construction schedule from M&N, monitor progress and report to the Board and Staff. Mr. Kayne will provide a copy of the DO letter.

FIFTH ORDER OF BUSINESS

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

Mr. Sims introduced SOLitude SWFL District Manager Gary Coluzzi and Aquatic Specialist Bailey Hill.

Mr. Sims presented the Monthly Report and stated six areas requiring attention were treated; treated shoreline weeds died off and algae is no longer present. All property and littoral zones are in compliance.

Mr. Janek asked if a lot of frogs were observed while treating the lakes. Mr. Sims stated some were observed but not an overwhelming number. Some large bufo toads were observed and an abundance of tadpoles might be removed as a separate service, if necessary.

Ms. Gravenhorst observed algae in Lake D-15 and asked if Sonar® caused it to grow. Mr. Sims stated when Sonar® is used to target submersed aquatic weeds, the weeds die and come to the surface, which tends to cause algae growth; algae is treated when observed.

Mr. Desenberry stated he can ask technicians to remove toads.

Ms. McVay asked who to contact about tadpoles. Mrs. Adams stated District Management should be called but the Board must approve any additional treatments.

Mrs. Adams stated she observed a large mass of cattail on the conservation side of C-4 that will require treatment by boat. She reported about vegetation blocking the culvert on D-3 adjacent to the golf course, on Greenview across the street from the pumphouse, and abundant weeds on the lake banks were observed.

Discussion ensued regarding identification and removal of distinctive tadpoles and invasive cane toads. Mr. Coluzzi stated technicians will be asked to remove invasive toads they observe while routinely on site; individual treatments can be scheduled as needed.

SIXTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

There was no report.

B. Colony Landscape Committee

Ms. Gravenhorst stated she normally prepares a written report but The Colony is focusing on redoing The Bay Club and recovering after the hurricane. The Landscape Committee thanks the CDD for the work contributed towards these efforts.

SEVENTH ORDER OF BUSINESS

Discussion/Consideration of Pesky Varmints, LLC, Estimate #1911 for Cane Toad Control

A. Informative Newsletter

B. Summary Examples

Mr. Adams presented Pesky Varmints, LLC, Estimate #1911 for Cane Toad Control. He discussed the results of similar programs with this vendor in other CDDs and responded to questions. He noted that Pesky Varmints previously removed the invasive python in the CDD.

Discussion ensued regarding the proposal, service schedules, areas to be treated, coordinating with the PLCA and golf courses and whether the CDDs should get involved.

Mr. Cramer stated the Bonita Bay team offered to give a presentation.

Resident concerns, dangers to pets, resident efforts to remove cane toads and the best time to treat were discussed.

Mr. Puthoff noted that Mr. Greg Keely is the Board liaison for the Landscape Committee and suggested this be brought to the PLCA Board, via Mr. Keely or Ms. Ellen Dennis. Generally, three quotes are needed. Mr. Cramer stated he will forward an email from Ms. Dennis about this.

Mr. Urbancic stated this expenditure is below the threshold requiring a Request for Proposals (RFP). Mr. Adams stated, if the decision is to proceed, multiple bids will be obtained.

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Gravenhorst, with all in favor, tabling this pending further discussion with the PLCA, was approved.

On MOTION for Bay Creek by Mr. Janek and seconded by Ms. McVay, with all in favor, tabling this pending further discussion with the PLCA, was approved.

Ms. Montgomery supported hearing from Pesky Varmints and suggested SOLitude provide information on its services so alternatives can be considered.

Ms. Gravenhorst felt that the information about cane toads was very helpful and suggested the PLCA share it with residents.

EIGHTH ORDER OF BUSINESS

Consideration of Resolutions Approving the Districts’ Proposed Budgets for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. McCarthy presented the following Resolutions:

- A. Resolution 2023-03, Bayside Improvement Community Development District**
- B. Resolution 2023-04, Bay Creek Community Development District**

On MOTION for Bayside by Mr. Nicholson and seconded by Ms. Montgomery, with all in favor, Resolution 2023-03, Approving the Districts’ Proposed Budgets for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 28, 2023, at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Addison, with all in favor, Resolution 2023-04, Approving the Districts’ Proposed Budgets for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 28, 2023, at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

- Consideration of Changes to Fiscal Year 2022/2023 Joint Meeting Schedule**

This item was an addition to the agenda.

The following changes were made to the Fiscal Year 2023 Joint Meeting Schedule:

DATE: Change “July 14” Budget Workshop to “July 21”

DATE: Change “July 24” Regular Meeting to “July 31”

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Nicholson, with all in favor, the changes to the Fiscal Year 2023 Joint Meeting Schedule, were approved.

On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Janek, with all in favor, the changes to the Fiscal Year 2023 Joint Meeting Schedule, were approved.

NINTH ORDER OF BUSINESS

Consideration of Resolutions Designating Dates, Times and Locations for Joint Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date

- A. Resolution 2023-04, Bayside Improvement Community Development District**

B. Resolution 2023-05, Bay Creek Community Development District

The following will be inserted into the Fiscal Year 2024 Joint Meeting Schedule:

DATE, December: Insert "4"

DATE, May: Insert "20"

DATE, Budget Workshop: Change "July 12" "July 19"

DATE, Regular Meeting: Change "July 22" to "July 29"

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Nicholson, with all in favor, Resolution 2023-04, Designating Dates, Times and Locations for Joint Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024, as amended, and Providing for an Effective Date, was adopted.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Addison, with all in favor, Resolution 2023-05, Designating Dates, Times and Locations for Joint Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024, as amended, and Providing for an Effective Date, was adopted.

TENTH 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 Eleventh Order of Business.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2023

Mr. Adams presented the Monthly Budget and Year Ending Projection Report and the Unaudited Financial Statements as of April 30, 2023. He responded to questions and he will investigate an irregularity with the "Property appraiser" and "Tax collector" line items.

A Board Member questioned the description of how "Utility billing" is calculated on, Page 18 of the proposed Fiscal Year 2024 budget. Mr. Adams will update the description.

The financials were accepted.

TWELFTH ORDER OF BUSINESS

Approval of April 24, 2023 Joint Regular Meeting Minutes

On MOTION for Bayside by Ms. Montgomery and seconded by Ms. Gravenhorst, with all in favor, the April 24, 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 Ms. McVay, with all in favor, the April 24, 2023 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

THIRTEENTH ORDER OF BUSINESS

Action/Agenda Items

The Action Items were updated following the meeting.

FOURTEENTH ORDER OF BUSINESS

Old Business

There was no old business.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

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

Mr. Urbancic reported the following:

➤ Legislation requiring Supervisors to complete a four-hour Ethics Continuing Education course passed; the Governor has not signed it yet but it is expected to be signed. The requirement will become effective on January 1, 2024.

➤ Immigration legislation passed and, as it relates to E-Verify requirements, Staff must continue ensuring CDD contracts meet the requirements.

Mrs. Adams stated all CDD contracts already include the necessary requirements.

II. Daniel Cox, Esq.

Mr. Cox stated he is willing to provide an ethics training session before it becomes effective on July 1, 2024.

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

I. Monthly Status Report: Field Operations

Mr. Kemp’s Monthly Report was included for informational purposes.

Mrs. Adams distributed the Field Operations Report and noted that The Colony’s inspection for interconnecting pipes is scheduled for next week.

II. NEXT MEETING: June 26, 2023 at 2:00 P.M.

- **QUORUM CHECK: BAYSIDE IMPROVEMENT CDD**

All Supervisors confirmed their attendance at the June 26, 2023 meeting.

- **QUORUM CHECK: BAY CREEK CDD**

Supervisors Addison, Travers, McVay and Durney confirmed their attendance at the June 26, 2023 meeting. Supervisor Janek will not attend.

SIXTEENTH ORDER OF BUSINESS

Supervisors’ Requests

Ms. Gravenhorst noted two ficus trees at Addison Place and Pelican Colony Boulevard were trimmed asked for trees to be retrimmed the next time Johnson Tree Service is on site.

Mr. Nicholson stated he and Mr. Kemp made progress developing a maintenance spare parts system. Data is being collected and will have more details at the next meeting. Mr. Adams noted he spoke with Mr. Kemp and is confident an update will be provided at the June meeting.

Mr. Durney asked why the monuments cannot be cleaned sooner. Mr. Adams stated Staff generally prefers to have them cleaned after rainy season. Mr. Durney stated the Landscape Committee is interested in improving the monuments at the entrance and asked if painting can be coordinated with the cleaning and other improvements. Mr. Adams replied affirmatively. Ms. Gravenhorst stated her understanding that a Request for Proposals (RFP) will be published.

Ms. McVay voiced her opinion that the grass in the traffic circle by the canoe park has been taken over by weeds. Mrs. Adams stated EarthBalance has been asked to provide a proposal and work will be scheduled upon receipt.

Mr. Cramer stated that a very polite team member informed him about a leak in his irrigation system. He offered kudos and asked Mr. Adams to inform Mr. Kemp.

SEVENTEENTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

No members of the public spoke.

EIGHTEENTH ORDER OF BUSINESS

Adjournment (Bayside Improvement CDD)

The Bayside Improvement CDD meeting adjourned at 3:15 p.m.

BAY CREEK ITEMS

Public Hearing to Hear Public Comment and Objections to the Adoption of an Amendment to the Rules of Procedure, Related to the Rates and Charges for Irrigation Utility Usage, Pursuant to Sections 120.54 and 190.035, Florida Statutes

- A. Affidavits of Publication**
- B. Consideration of Resolution 2023-06, Amending the District’s Rules Relative to its Irrigation Utility Regulations and Rates and Charges for Utility Service; and Providing an Effective Date**

Mr. Adams presented Resolution 2023-06 and discussed the financial analysis presented at the March meeting and stated the rates and procedures were adjusted accordingly.

Mr. Adams opened the Public Hearing.

No members of the public spoke.

Mr. Adams closed the Public Hearing.

On MOTION for Bay Creek by Mr. Durney and seconded by Ms. Montgomery, with all in favor, Resolution 2023-06, Amending the District’s Rules Relative to its Irrigation Utility Regulations and Rates and Charges for Utility Service; and Providing an Effective Date, was adopted.

TWENTIETH ORDER OF BUSINESS

Ratification of Consent to Use of Easement Agreement [Robert B. Karn III Trust]

Mr. Adams presented the Agreement. A pool cage with a previous encroachment of about 6” was replaced following Hurricane Ian; the footprint of the lanai was unchanged.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Addison, with all in favor, the Robert B. Karn III Trust Consent to Use of Easement Agreement, was ratified.

TWENTY-FIRST ORDER OF BUSINESS

Adjournment (Bay Creek CDD)

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

**BAYSIDE IMPROVEMENT/BAY CREEK CDDS
FOR BAYSIDE IMPROVEMENT**

May 22, 2023



Secretary/Assistant Secretary



Chair/Vice Chair

FOR BAY CREEK:



Secretary/Assistant Secretary



Chair/Vice Chair