

**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 June 26, 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 (via telephone)	Chair
Jerry Addison	Assistant Secretary
Gary Durney	Assistant Secretary
Robert Travers	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 (via telephone)	District Engineer
Mark Puthoff	PLCA Assistant General Manager
Paul Kemp	Field Manager
Bailey Hill (via telephone)	SOLitude Lake Management

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

All Supervisors were present for Bayside Improvement CDD.

For Bay Creek CDD, Supervisors Addison, Travers and Durney were present. Supervisor Janek attended via telephone. Supervisor McVay was not present.

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Travers, with all in favor, authorizing the attendance and full participation of Mr. Janek, via phone, due to exceptional circumstances, was approved.

▪ **Pledge of Allegiance**

All present recited the Pledge of Allegiance

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 the following:

- Reports of standing water at the Parcel M & N Project, before and after a storm, resulted in advising the contractor to have the Inlet protection devices removed, since no construction is currently occurring near the inlets or roadways and to use them only during active construction.
- Sent the Inspection Report for the Costa Del Sol storm drain near the golf course, to Mr. Adams.

Mr. Nicholson asked about the frequency of inspecting and reporting on the construction site. Mr. Kayne discussed the scope of the recent site inspection, which shows there was no significant reporting on the initial observation. Bi-weekly inspections were suggested.

Ms. Gravenhorst voiced her opinion that there might be an issue if there is a heavy rain when the inlet protection devices are removed and asked about other options. Mr. Kayne stated there are not many other solutions. He discussed the inlet and stated if the device is left in place when there is no construction, it will restrict the flow.

Mr. McCarthy asked Mr. Kayne to show Mr. Barraco his suggestion to amend the Development Order (DO) letter to add additional language under Stipulation #4.

FIFTH ORDER OF BUSINESS

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

The Monthly Report was included for informational purposes.

Ms. Hills stated that, overall, the lakes look good and water levels rose due to the recent rain. Areas with shoreline weeds and submerged vegetation were treated and the Wetlands Operations Manager submitted a tree removal proposal for A-24 to the District Manager.

SIXTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

There was no report.

B. Colony Landscape Committee

Ms. Gravenhorst reported on the following:

- Landscape remediation work is underway.
- The CDDs' efforts getting the community in order are appreciated.
- It was requested that CDD residents stop coming onto the M&N Project property.
- Pressure washing the center fountain is underway.

Regarding whether the parts to repair the fountain arrived, Mr. Bently advised Mr. Kemp that someone might be on site tomorrow.

- A new Security Manager was appointed. The system is working better. The north gate entrance will be down a couple of days while the electronics are installed.

Ms. Gravenhorst discussed the desire to change the entrance at Cielo to allow construction trucks better access.

➤ Repairing the crack in the southern entrance wall and other remediation in the area is being researched.

Regarding the approved landscape improvements, Mr. Puthoff reported obtaining landscape bids to present to the Landscape Committee for the front entrance areas, S.R. 41, the northern entrance and any other deficient areas. The work can be completed in phases over the next three to five years.

Mr. Puthoff discussed plans to change the fountain lights once the monuments are painted and obtaining the costs to install “moon lighting” at the main entrance. It is unknown if there are plans to paint the rocks.

Mr. Puthoff thanked Mr. Kemp for his work repairing hurricane-damaged areas.

Mr. Cramer asked if written communication on hurricane prepared plans was coordinated with CDD Staff. Mr. Puthoff discussed the updates to the Hurricane Preparedness Plan and will email it to the CDD Boards and Staff.

SEVENTH ORDER OF BUSINESS

Presentation of Monthly Budget and Year End Projection (under separate cover)

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

EIGHTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of May 31, 2023

Mr. Adams distributed and presented a revised version of the Monthly Budget and Year Ending Projection Report, as there was a formula error in the one emailed on Friday, along with the Unaudited Financial Statements as of May 31, 2023. In preparation for the budget workshop, Accounting will have the financials completed through the end of June so they can be incorporated into the July projected Report.

Mr. Kemp distributed the CDD Infrastructure Upgrade list he and Mr. Nicholson worked on developing a maintenance spare parts system that will necessitate using storage containers and CDD funding approximately of \$50,000.

Discussion ensued regarding rezoning requirements if shipping containers are used, a permit is needed for a shed, using the Greenview pump station or off-site storage, potential push back from Murano residents if the area is rezoned, Murano residents' concerns about aesthetics, rezoning cost and difficulty obtaining County approval. It was noted that some residents attended a community meeting to voice concerns about heavy traffic pattern and safety concerns on Coconut Road, which they think will affect the CDDs' residents as well.

Mr. Adams stated that the parcel and beach parking lot is in the unincorporated part of Lee County. Mr. Nicolson thinks that pedestrian lights in front of the maintenance property should be installed to address potential safety concerns, in light of the upcoming traffic changes.

Discussion ensued about other solutions and types of outside storage, having Staff review the zoning plan, using open space as outside storage area is prohibited and initiate a committee.

The consensus was to take time to think of solutions.

Mr. McCarthy asked for updates on the following financial items:

- Investments: Mr. Adams stated he is working with Synovus Bank's Investment Departments on investment and lending opportunities for the CDDs and several of his other CDDs, using them as leverage to receive a better return.
- Assessment Levy: Mr. Adams stated he will contact the Tax Collector's office to ascertain the number of owners that did not pay their taxes and email it to the CDD Boards.
- Horticulture dumpster: The amount for this exceeded budget as about 50% needs to be billed to the PLCA. Mr. Adams will review the invoices and invoice the PLCA accordingly.
- Unbudgeted contractual services: Mr. Adams stated he will advise Accounting to reconcile the charges applied to the "Other contractual-tree trimming" line item that go to this line item.

The financials were accepted.

NINTH ORDER OF BUSINESS

Approval of May 22, 2023 Public Hearing and Joint Regular Meeting Minutes

On MOTION for Bayside by Ms. Gravenhorst and seconded by Mr. Cramer, with all in favor, the May 22, 2023 Public Hearing and Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Addison, with all in favor, the May 22, 2023 Public Hearing and Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

TENTH ORDER OF BUSINESS

Action/Agenda Items

Item 1: Mr. Adams will obtain the M&N construction schedule from Mr. Barraco.

The Action Items list will be updated following the meeting.

ELEVENTH ORDER OF BUSINESS

Old Business

There was no old business.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

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

II. Daniel Cox, Esq.

There were no District Counsel reports.

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

There was no report.

I. Monthly Status Report: Field Operations

The Monthly Report was included for informational purposes.

Regarding use of bougainvillea, Mr. McCarthy asked if the CDDs are coordinating landscaping with the PLCA. Mr. Kemp replied affirmatively, the PLCA Committee feels that there is plenty of bougainvillea around the property. Mr. McCarthy voiced his opinion that the bougainvillea are not being maintained properly behind 25150 Bay Cedar. Mr. Adams advised that it is being maintained in that manner for a reason.

Ms. Gravenhorst expressed her opinion that the PLCA should include irrigation when refreshing landscaping so the CDDs can budget for it.

II. UPCOMING MEETINGS

➤ **July 21, 2023 at 9:00 AM [Joint Budget Workshop]**

➤ **July 31, 2023 at 2:00 PM [Joint Regular Meeting]**

- **QUORUM CHECK: BAYSIDE IMPROVEMENT CDD**

All Supervisors confirmed their attendance at the July 31, 2023 meeting.

- **QUORUM CHECK: BAY CREEK CDD**

Supervisors Addison, Travers, McVay and Durney confirmed their attendance at the July 31, 2023 meeting. Supervisor Janek will attend via phone.

THIRTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Cramer conveyed a neighbor's request for the rear side of the wall area at the maintenance facility to be cleaned. Mr. Cramer inspected and voiced his opinion that the wall needs to be painted. Mr. Adams was asked to include the costs in future budgets and to have that area brought into compliance.

Mr. Cramer referred to the Four Winds Ritz Carlton presentation and its intent to encroach into the mangrove area and asked if he should provide the PLCA with a copy of the WCI Quit Claim Deed. He was advised to have Mr. Adams email it to Mr. Urbancic for review.

Mr. Durney suggested engaging part-time secretarial support to input data into the landscape management software and support the crews. He was advised to mention this at the workshop. Mr. Durney asked Staff to review the frequency of which the entry landscape areas are serviced.

Mr. Janek asked when the new plantings will occur. Mr. Kemp stated next week, now that the rainy season commenced.

FOURTEENTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

No members of the public spoke.

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 3:23 p.m.

FOR BAYSIDE IMPROVEMENT


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair