

**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 Public Hearing and Joint Regular Meeting on August 28, 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 (via telephone)	Assistant Secretary
Karen Montgomery (via telephone)	Assistant Secretary

Present for Bay Creek CDD were:

James Janek (via telephone)	Chair
Robert Travers	Vice Chair
Jerry Addison	Assistant Secretary
Gary Durney	Assistant Secretary
Mary McVay	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
Frank Savage	Barraco & Associates, Inc.
Mark Puthoff	PLCA Assistant General Manager
Paul Kemp	Field Manager
David Caplivski (via telephone)	Grau & Associates

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

For Bayside Improvement CDD, Supervisors Cramer, Nicholson and McCarthy were present. Supervisors Gravenhorst and Montgomery attended via telephone.

For Bay Creek CDD, Supervisors McVay, Travers, Addison and Durney were present. Supervisor Janek attended via telephone.

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

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, authorizing the attendance and full participation of Ms. Gravenhorst and Ms. Montgomery, via phone, due to exceptional circumstances, was approved.

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

No members of the public spoke.

BAY CREEK AUDIT

FOURTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2022, Prepared by Grau & Associates

Mr. Caplivski presented the Audited Financial Report for Fiscal Year Ended September 30, 2022 and noted the pertinent information. There were no findings, recommendations, deficiencies on internal control or instance of non-compliance; it was an unmodified clean

opinion, which is the best type a CDD can receive. He noted the District Manager’s cooperation in providing all necessary information in a timely manner.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-07, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Durney, with all in favor, Resolution 2023-07, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022, was adopted.

BAYSIDE IMPROVEMENT AUDIT

SIXTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2022, Prepared by Grau & Associates

Mr. Caplivski presented the Audited Financial Report for Fiscal Year Ended September 30, 2022 and noted the pertinent information. There were no findings, recommendations, deficiencies on internal control or instance of non-compliance; it was an unmodified clean opinion, which is the best type a CDD can receive. He noted the District Manager for providing all necessary information in a timely manner.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-05, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022

Mr. McCarthy asked about the \$1,289 “Assessments Receivables” amount on Page 9. Mr. Caplivski stated that these are part of assessments. They are unused Tax Collector fees to be reimbursed to the CDD. The Tax Collector reimbursed/paid subsequent to September 30, 2022.

On MOTION for Bayside by Mr. Nicholson and seconded by Mr. Cramer, with all in favor, Resolution 2023-05, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022, was adopted.

JOINT PUBLIC HEARING

EIGHTH ORDER OF BUSINESS

Joint Public Hearing to Hear Comments and Objections on the Adoption of District's Final Budget for Fiscal Year 2023/2024, Pursuant to Florida Law

A. Proof/Affidavit of Publication

Mr. McCarthy asked Mr. Urbancic if the Public Notice is legally sufficient, as it did not include the typical Affidavit of Publication. Mr. Urbancic replied affirmatively, reviewed the specific advertising protocol and deemed it appropriate, in his view.

B. Consideration of Resolutions Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date

Mr. McCarthy opened the Bay Creek Public Hearing.

There were no comments from the public.

On MOTION for Bay Creek by Mr. Travers and seconded by Ms. McVay, with all in favor, the Public Hearing was closed.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, the Public Hearing was opened.

There were no comments from the public.

Mr. McCarthy closed the Bayside Public Hearing.

Mr. Adams stated that Bayside CDD's Fiscal Year 2024 budget was adjusted since the last meeting. The General Fund Interest Earning amount was increased to \$70,000, as he anticipates the average interest rate to be 4½% over the full year. This adjustment reduced assessments from \$649.16 to \$644.92. He outlined the types of interest-bearing accounts under the Insured Cash Sweep (ICS) program.

I. Resolution 2023-08, Bay Creek Community Development District

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, Resolution 2023-08, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

II. Resolution 2023-06, Bayside Improvement Community Development District

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, Resolution 2023-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

C. Consideration of Resolutions Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

I. Resolution 2023-09, Bay Creek Community Development District

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Travers, with all in favor, Resolution 2023-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

II. Resolution 2023-07, Bayside Improvement Community Development District

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, Resolution 2023-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

JOINT BOARD ITEMS

NINTH ORDER OF BUSINESS

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

Mr. Kayne introduced former colleague, Frank Savage, who rejoined Barraco & Associates (Barraco) and will be assisting on CDD matters. He reported the following:

- Parcel M & N Project: Staff was on site last week and has nothing new to report.
- The draft National Pollutant Discharge Elimination System (NPDES) Report is being reviewed internally; data to incorporate into the Report will be needed from Mr. and Mrs. Adams.

Mr. Nicholson asked Mr. Kayne about coordinating tomorrow’s salinity testing. Mrs. Adams stated that Barraco identified the locations and another vendor is performing the tests, which will be dependent on the weather conditions. The results will be emailed to the Boards.

Ms. Gravenhorst stated she emailed photographs to Mr. and Mrs. Adams of the water drainage on the Infinity Project that showed water being delivered into the retention pond through a large tube. She asked if that is how the water should be handled. Mr. Kayne stated it is typical to make slight modifications to the on- site conveyance during the initial building efforts but, at all times, the conveyance should be free and clear and have the capacity that was there prior to any construction work. Field Representatives are performing on-site inspections every couple of weeks.

TENTH ORDER OF BUSINESS

Waterway Inspection Report: August 2023 – SOLitude Lake Management, LLC

The August 2023 Report was included for informational purposes.

Mr. Durney asked about SOLitude’s reporting practice and voiced his understanding that the Lake D-6 aerator has not been working for two months. Mrs. Adams stated that SOLitude performs a preventative scheduled maintenance of the lakes aerators twice a year. Technicians are on site every week and should along with residents notify Staff of any issues.

ELEVENTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

There was no report.

B. Colony Landscape Committee

The Report was included for informational purposes.

Mr. Mark Puthoff, PLCA Assistant General Manager, distributed and presented sample lighting, a site plan and multiple proposals to install “moonlighting” lighting in the oak trees bordering entry walkways on Pennyroyal Drive.

Mr. Puthoff stated that the Bentley Electric proposal was approved but, since then, some of the Landscape Committee Members changed their minds. He is not certain if they will change vendors since Bentley is not a landscape lighting company. Mrs. Adams stated that Bentley has done a lot of landscape lighting in her other CDDs.

Discussion ensued regarding the warranty language, a preference for LED lighting, differences between moonlighting and uplighting, having the Landscape Committee tour communities with similar lighting, the PLCA installing the lighting and executing a Maintenance Agreement with the vendor, reviewing the lighting requirements with the City, obtaining City approval and the electrical permit requirements.

TWELFTH ORDER OF BUSINESS

Presentation of Monthly Year-End Financial Forecast

This item was discussed during the Thirteenth Order of Business.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2023

Mr. Adams presented the Monthly Year-End Financial Forecast, which anticipates that, by year-end, Bayside CDD will have a positive fund balance of \$39,000 and Bay Creek will have a positive fund balance above \$16,000, with the exception of the Irrigation Enterprise Fund.

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

The financials were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of Minutes

A. July 21, 2023 Joint Budget Workshop

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Addison, with all in favor, the July 21, 2023 Joint Budget Workshop Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bayside by Mr. Nicholson and seconded by Mr. Cramer, with all in favor, the July 21, 2023 Joint Budget Workshop Minutes, as amended to include any changes submitted to Management, were approved.

B. July 31, 2023 Joint Regular Meeting

On MOTION for Bay Creek by Mr. Addison and seconded by Ms. McVay, with all in favor, the July 31, 2023 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, the July 31, 2023 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

FIFTEENTH ORDER OF BUSINESS

Action/Agenda Items

The Action/Agenda Items list will be updated following the meeting.

SIXTEENTH ORDER OF BUSINESS

Old Business

There was no old business.

SEVENTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

- I. Gregory Urbancic, Esq., Coleman Yovanovich Koester, P.A.
- II. Daniel Cox, Esq.

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

There were no District Counsel or District Manager reports.

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

The Monthly Report was included for informational purposes.

Mr. Adams stated that the request for proposals (RFP) for the CDD Maintenance and Operations Facility Space Optimization Study was sent to seven vendors. Johnson Engineering advised that the scope of services appeared to be more in line with an Architect and forwarded it onto four Architectural firms. Proposals are due September 8, 2023 and will be emailed to the Boards before the September meeting.

II. NEXT MEETING DATE: September 25, 2023 at 2:00 PM

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

All Bayside and Bay Creek Supervisors confirmed their attendance at the September 25, 2023 meeting.

EIGHTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Nicholson stated he will be traveling and will not be able to attend the May, July and October 2024 meetings.

Ms. Montgomery stated she will be traveling in July 2024 and asked if the budget workshop date can be changed.

A decision on whether to change the workshop date will be made closer to the workshop date.

NINETEENTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

No members of the public spoke.

TWENTIETH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 3:00 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

FOR BAYSIDE IMPROVEMENT


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair