

**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 September 25, 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 (via telephone)	Assistant Secretary

**Present for Bay Creek CDD were:**

James Janek	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
Frank Savage (via telephone)	District Engineer
Mark Puthoff	PLCA Assistant General Manager
Paul Kemp	Field Manager
Anne Cramer (via telephone)	Resident
Debbie McKenna	Resident

**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.

All present recited the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS**

**Roll Call**

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

For Bay Creek CDD, All Supervisors were present.

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

**THIRD ORDER OF BUSINESS**

**Public Comments: Agenda Items**

No members of the public spoke.

**JOINT BUSINESS ITEMS**

**FOURTH ORDER OF BUSINESS**

**Consideration of Award of Contract for CDD Maintenance and Operations Facility Space Optimization Study**

Mr. Adams stated that the three or four Architecture firms contacted consider this a “unique scope” and are unable to respond to the Request for Proposals (RFP) at this time. The Boards agreed with the suggestion to defer this and keep it on the Action Items List until quotes can be obtained in early 2024.

**FIFTH ORDER OF BUSINESS**

**Discussion: Irrigation Water Usage**

Mr. Kemp stated that water availability is expected to become dire through the winter due to the drier than normal “rainy season” and, related to the pump schedule, he expects to cut the water off for a third day in order to recharge the well water.

Discussion ensued regarding monitoring water levels in the wells, similar drought conditions in past years, resident usage based on honor system, how the system operates, the depressurizing process, dispersing information and increasing the excess usage fee.

Mr. Puthoff stated he will ask to send the pump schedule again to residents and all HOA Presidents weekly to remind everyone that this is still an issue.

Regarding developing a contingency plan if the wells run dry or the ability to tie the irrigation systems between the two CDDs, Mr. Adams will speak with Resource Conservation Systems (RCS) about the possibility of receiving water and not having to line the ponds. He noted that residents can tie into the City’s water system but that option is not available to the CDDs.

**SIXTH ORDER OF BUSINESS**

**Discussion: Landscaping Maintenance at Main Gate**

PLCA Landscape Committee Members Mr. Durney and Ms. Gravenhorst advised that they are developing a plan to improve landscaping at all entrance monuments so the CDDs can allocate sufficient resources to maintain them on a regular basis. Mr. Kemp stated that landscape maintenance deficiencies are due to working under a constant staffing deficit.

**On MOTION for Bayside by Mr. Nicholson and seconded by Ms. Gravenhorst, with all in favor, authorizing Mr. Kemp to increase the number of employees to 32 to achieve an average of 30 employees, was approved.**

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, authorizing Mr. Kemp to increase the number of employees to 32 to achieve an average of 30 employees, was approved.**

Discussion ensued regarding the Landscape Committee Members responsible for plant selection, the ordering process, having Mr. Kemp monitor Club Care to ensure plants are installed correctly and informing Mr. Kemp and the CDD of landscape changes.

**SEVENTH ORDER OF BUSINESS**

**Discussion/Update: Operating Funds Investment Options**

Mr. Adams reviewed the three options to invest the CDDs’ surplus funds. He recommended BankUnited’s ICS money market, which is FDIC insured up to \$150 million. The current rate is 4.75%, which reflects another increase since the letter was prepared.

**On MOTION for Bayside by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, authorizing Staff to invest surplus CDD funds with BankUnited, in an ISC Deposit Program, was approved.**

**On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Travers, with all in favor, authorizing staff to invest surplus CDD funds with BankUnited, in an ISC Deposit Program, was approved.**

**JOINT BOARD ITEMS**

**EIGHTH ORDER OF BUSINESS**

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

Mr. Savage distributed the draft National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems Annual Report for Cycle 4, Year 6, 2023 and reported the following:

- A teleconference with the Florida Department of Environmental Protection (FDEP) was held on September 13, 2023. FDEP is working on issuing a Cycle 5, Year 7 permit but, if it is not ready before the next cycle, the CDD should continue preparing the Cycle 4 permit for Year 7.
- A meeting with the Co-Permittees was held on September 21, 2023; the CDDs were the only Co-Permittees to complete the Annual Report.
- The Report is unique from prior ones due to the October 2022 storm event. Statistical modeling was incorporated into the analysis.

Asked if there are any concern, Mr. Savage replied no, other than an increase in nutrient levels post-Hurricane Ian. The Reports will be compiled in conjunction with the other Co-Permittees throughout Lee County and submitted to the FDEP for sufficiency.

**On MOTION for Bayside by Ms. Gravenhorst and seconded by Mr. Cramer, with all in favor, the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems Annual Report for Cycle 4, Year 6, 2023, and authorizing the Chair to execute the final version, was approved.**

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems Annual Report for Cycle 4, Year 6, 2023, and authorizing the Chair to execute the final version, was approved.**

**NINTH ORDER OF BUSINESS**

**Waterway Inspection Report: September 2023 – SOLitude Lake Management, LLC**

The September 2023 Report was included for informational purposes. The Report was dated incorrectly as 2022. Mrs. Adams advised that Ms. Bailey Hill was absent from the prior meeting due to the imminent hurricane, she was not sure why she is absent today.

**TENTH ORDER OF BUSINESS**

**Committee Reports**

**A. PLCA Landscape Committee**

There was no report.

**B. Colony Landscape Committee**

The Report was included for informational purposes.

**ELEVENTH ORDER OF BUSINESS**

**Presentation of Monthly Year-End Financial Forecast (under separate cover)**

This item was discussed during the Twelfth Order of Business.

**TWELFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of August 31, 2023**

Mr. Adams responded to questions about Bay Creek loaning funds to Bayside being reflected on the next financials and any unused plant replacement funds automatically transitioning to surplus Fund Balance at the end of Fiscal Year 2023 and being available to fund unbudgeted items.

The financials were accepted.

**THIRTEENTH ORDER OF BUSINESS**

**Approval of August 28, 2023 Joint Public Hearing and Regular Meeting Minutes**

**On MOTION for Bayside by Mr. Nicholson and seconded by Mr. Cramer, with all in favor, the August 28, 2023 Joint Public Hearing and Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.**

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the August 28, 2023 Joint Public Hearing and Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.**

**FOURTEENTH ORDER OF BUSINESS**

**Action/Agenda Items**

New Item 1: Salinity Test Results for Lakes A26 and A29 were distributed during the meeting.

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

**FIFTEENTH ORDER OF BUSINESS**

**Old Business**

There was no old business.

**SIXTEENTH 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**

Mrs. Adams stated Staff observed several deficiencies in SOLitude’s maintenance of the lakes; there is invasive overgrowth and treatments are damaging healthy plants. This resulted in District Counsel reviewing a draft Defective Work Notice to SOLitude requiring them to resolve these issues and, if not, the CDDs can terminate the contract for cause prior to the January 2024 expiration date. Another company is available to correct the deficiencies until the CDDs advertise an RFP. SOLitude still has not removed the nano-bubbler equipment.

Discussion ensued regarding Mr. Bill Kurth’s leadership, SOLitude’s report omitting deficiencies and including language in the Defective Work Notice such that funds will be held back in lieu of litigating for damages.

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

The Monthly Report was included for informational purposes.

**II. NEXT MEETING DATE: October 23, 2023 at 2:00 PM**

- **QUORUM CHECK: BAYSIDE IMPROVEMENT CDD**

All Supervisors confirmed their attendance at the October 23, 2023 meeting.

- **QUORUM CHECK: BAY CREEK CDD**

Supervisors Addison, Travers, Janek and McVay confirmed their attendance at the October 23, 2023 meeting. Mr. Durney will not attend.

**SEVENTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

Ms. Gravenhorst asked if there are plans to address the invasive potato vines in the preserve behind her residence. Mrs. Adams stated that the contractor treats invasives twice a year; residents should notify her when vines become visible.

Mr. Cramer asked if cane toads are no longer an issue. Mrs. Adams stated that responsibility transitioned to the PLCA.

Mr. Durney asked Mr. Adams if he spoke to the PLCA about replacing dead plants along the Pennyroyal Drive berm. Ms. Gravenhorst asked about the life expectancy. Mrs. Adams will email the Boards clarification of life expectancy, along with the Architect's planting schedule.

Mr. Cramer advised Mr. Durney that the Long Lake Committee and residents want to understand what is planned. Mr. Durney stated that the plants should be replaced. Mr. Adams and Mrs. Adams stated they have not heard from the PLCA about this matter.

**EIGHTEENTH ORDER OF BUSINESS**

**Public Comments: Non-Agenda Items**

No members of the public spoke.

**NINETEENTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned at 3:12 p.m.

FOR BAYSIDE IMPROVEMENT

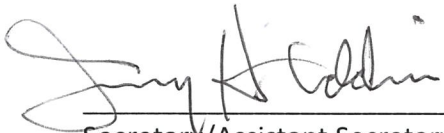


Secretary/Assistant Secretary



Chair/Vice Chair

FOR BAY CREEK:



Secretary/Assistant Secretary



Chair/Vice Chair