

**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 February 26, 2024 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:

Walter McCarthy	Chair
Bill Nicholson	Vice Chair
Bernie Cramer	Assistant Secretary
Gail Gravenhorst	Assistant Secretary
Karen Montgomery	Assistant Secretary

Present for Bay Creek CDD:

James Janek	Chair
Jerry Addison	Assistant Secretary
Gary Durney	Assistant Secretary
Mary McVay	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Greg Urbancic	District Counsel, Bayside Improvement CDD
Frank Savage (via phone/Zoom)	District Engineer
Paul Kemp	Field Manager
Andy Nott	Superior Waterway
Mike Radford (via phone/Zoom)	M.R.I. Underwater Specialists, Inc.
Ellen Dennis	Resident
Bruce Turner	Resident
Marcia Gunther	Resident
Cheryl Hughes	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. The Pledge of Allegiance was recited.

SECOND ORDER OF BUSINESS

Roll Call

For Bay Creek CDD, Supervisors Addison, Durney, McVay and Janek were present. Supervisor Travers was not present. For Bayside Improvement CDD, all Supervisors were 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. Savage had nothing new to report.

FIFTH ORDER OF BUSINESS

Waterway Inspection Report: February 2024 – Superior Waterway Services, Inc. (Andy Nott)

Mr. Nott will send the Lake Report and recent Aeration Survey Report to Mrs. Adams.

SIXTH ORDER OF BUSINESS

Space Optimization Overview Presentation

Mr. Nicholson believes there is a general acceptance by Lee County to the CDDs' proposed plans, subject to submitting all the documents and plans to them. Board Members commented on the Summary of the Scope of the Space Constraint Project and Scope for Deferred Maintenance that were prepared by Mr. Adams and included in the agenda. Mr. Nicholson stated the next step is for W.J. Johnson & Associates to provide an Engineering proposal and decide when to bid the project.

Asked where the sources of funds would originate, Mr. Adams stated that the options are to utilize surplus fund balance or consider obtaining a five-year note or loan.

Mr. McCarthy stated that he attended the meeting with the County and noted certain items missing from the Report, such as the County requiring submittal of a zoning amendment and zoning application before applying for a Development Order, which will extend the project timeline. He noted a comment was made that the landscaping is out of compliance. Board

Members concurred with Mr. Nicholson about addressing deferred maintenance first and provided several points of view about the scope, suggestions moving forward, decluttering the site, power washing and painting the structure and defining items where in-house Staff or outside firms would be used, before proceeding with constructing the building.

Mr. Urbancic expressed concern about exceeding the competitive selection threshold that would require going out to bid. Mr. Adams stated this is not an issue since there are two different disciplines.

To avoid similar issues in the future, Mr. Durney asked Mr. Kemp to prepare a list of resources/work that he can do initially and what resources he will need on an ongoing basis.

On MOTION for Bayside by Mr. Nicholson and seconded by Mr. Cramer, with all in favor, obtaining a quote from W.J. Johnson & Associates for the entire scope of services, broken down into three proposals, including one for restoration, one for space optimization and one for the zoning permit, was approved.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Addison, with all in favor, obtaining a quote from W.J. Johnson & Associates for the entire scope of services, broken down into three proposals, including one for restoration, one for space optimization and one for the zoning permit, was approved.

SEVENTH ORDER OF BUSINESS

Continued Discussion: Cane Toad Control Proposals

- A. Pesky Varmints, LLC Estimate #1911 for Cane Toad Control**
- B. Southern Trappers**

This item was presented following the Eleventh Order of Business.

EIGHTH ORDER OF BUSINESS

Consideration of Bentley Electric Co of Naples, FL, Inc. Proposal to Retrofit Streetlights

Ms. Gravenhorst provided photographs of the lights and stated that The Colony will not choose a color until their March meeting. Mr. McCarthy stated that the CDDs do not have a specific standard on color and noted The Ridge incurred the cost to change the color of the lights. Mr. McCarthy stated that he has a problem with incurring this expense simply because someone wants a different color.

Discussion ensued regarding the cost to retrofit the streetlights for color consistency, confirmation from Bentley that the quote is for “warm yellow” bulbs and coding the invoice to The Colony’s General Fund 002.

This item was deferred until feedback is received from The Colony HOA regarding the color.

NINTH ORDER OF BUSINESS

Consideration of Aquatic Pool Repair, Inc. Estimate #596 to Replace Lights at the Colony South Gate Fountain

Mr. Kemp stated that he received an official proposal, which is the same amount as the Estimate in the agenda.

On MOTION for Bayside by Ms. Gravenhorst and seconded by Mr. Cramer, with all in favor, the Aquatic Pool Repair, Inc., proposal to replace lights at the Colony South Gate Fountain, in the amount of \$8,080, was approved.

On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Durney, with all in favor, the Aquatic Pool Repair, Inc., proposal to replace lights at the Colony South Gate Fountain, in the amount of \$8,080, was approved.

TENTH ORDER OF BUSINESS

Consideration of Superior Waterway Services, Inc. Fountain Management Agreement

Mr. Kemp presented the Superior Waterway Services, Inc. Fountain Management Agreement. Mrs. Adams will include him on the agenda distribution list.

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Montgomery, with all in favor, the Superior Waterway Services, Inc. Fountain Management Agreement to maintain four fountains on a bi-monthly basis, in the amount of \$5,250, was approved.

On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Durney, with all in favor, the Superior Waterway Services, Inc. Fountain Management Agreement, to maintain four fountains on a bi-monthly basis, in the amount of \$5,250, was approved.

A. MRI Underwater Specialists, Inc. Inspection Report

Mr. Radford presented the Inspection Report, video of the pipe and accompanying proposals. He reviewed the scope for both options and, after comparing the costs, he recommended lining 205' of pipe, as it is a permanent fix and carries a 50-year warranty, versus installing bands covering just 30' to 32' of pipe that only carries a one-year warranty. The pavers will still need to be repaired.

It was noted that another proposal is not necessary, as the amount is within the spending threshold and MRI has been servicing the CDDs for some time.

Mr. Radford responded to questions and stated that he can schedule the project two weeks out. Mrs. Adams asked for a revised proposal adding the Bay Creek CDD and a schedule to distribute to the Boards.

B. MRI Inspection, LLC #4483 Band Pipe Installation

C. MRI Construction, Inc. #114 CIPP UV linear Installation

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Gravenhorst, with all in favor, MRI Construction Inc. Estimate No 114 to install a CIPP UV liner at 24001 Addison Place Court, in the amount of \$43,898, was approved.

On MOTION for Bay Creek by Mr. Janek and seconded by Ms. McVay, with all in favor, the MRI Construction Inc. Estimate No 114, to install a CIPP UV liner at 24001 Addison Place Court, in the amount of \$43,898, was approved.

▪ **Continued Discussion: Cane Toad Control Proposals**

This item, previously the Seventh Order of Business, was presented out of order.

A. Pesky Varmints, LLC Estimate #1911

B. Southern Trappers

Mrs. Adams stated that she was unable to obtain a second proposal, despite several efforts and confirmation from the President of Southern Trappers last week that one would be sent but it was never received. The Pesky Varmints, LLC proposal is the same one presented at the last meeting.

Ms. Montgomery noted it is critical to start the project due the upcoming mating season.

Discussion ensued regarding confirmation that all parties agree to share the expense, whether the PLCA provided confirmation that it will take on the responsibility of organizing toad reduction, the proposal including the PLCA common grounds and the Golf Course common grounds which differs from the initial proposal presented in April 2023, the potential for a 10% discount if the Golf Course and the PLCA join this endeavor, and having a certain neighborhood group remove tadpoles from a part of the pond partially owned by the CDD.

On MOTION for Bayside by Ms. Gravenhorst and seconded by Mr. McCarthy, with Ms. Gravenhorst, Mr. McCarthy, Mr. Cramer and Mr. Nicholson in favor and Ms. Montgomery dissenting, taking no action until the Cane Toad Removal Plan is received from the PLCA that has an umbrella of the scope of services, was approved. [Motion passed 4-1]

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Addison, with all in favor, taking no action until a Cane Toad Removal Plan is received from the PLCA that has an umbrella of the scope of services, was approved.

In response to a resident’s request, the CDD Boards agreed to adjust the agenda.

▪ **Public Comments: Non-Agenda Items**

This item, previously the Twenty-First Order of Business, was presented out of order.

Resident Bruce Turner asked if Board approval is needed for Cypress Island to replace a rotten wooden guard rail on its bridge. It was noted that CDD approval is not necessary. He was told to check with Ms. Bruno, of the PLCA, ensure the contract includes obtaining permits and to notify Mr. Kemp when the project is to commence, so Mr. Kemp can make sure CDD property is not damaged.

Mr. Turner asked about the outcome of the Water Quality Study a few years ago. It was noted that it is an ongoing discussion topic. Regarding a comment that landscapers are not following fertilization protocol, it was noted that the CDDs follow Lee County’s fertilizer ordinances. Mr. Turner asked if the CDDs are treating the blue-green granules on the mud flaps and stated that he will email the information and photographs to Mr. Kemp.

Long Lake Village Resident Marcia Gunther noted that the HOA spent \$92,000 rewiring the sprinkler system, which depleted the HOA’s reserves. She asked the Board to consider funding installation of a master filter that will prevent debris from entering the neighborhood. Mr. Kemp stated that the irrigation contractor proposed installing a valve on the main line to

determine if they can isolate Long Lake Village with one valve. Several Board Members agreed to this idea. Mr. Adams saw no issue with approving installation of the valve; he will work with Mr. Cox on this matter.

TWELFTH ORDER OF BUSINESS

Continued Discussion: Irrigation Water Usage Compliance and Conservation

Mr. Adams stated that the monthly bills will include the notice explaining water usage beginning in March.

Discussion ensued regarding the ability to install a pump station to obtain supplemental water from the reclaimed water utility.

THIRTEENTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

PLCA Landscape Committee Chair Cheryl Hughes provided updates of various projects. A meeting is scheduled Friday to discuss the Landscape Architect’s final proposal before going out to bid. Ms. McVay asked Ms. Hughes to provide a copy of the life span of the various plants to Mr. Kemp. Mr. Kemp discussed the opportunity for the CDDs to supply labor to the PLCA, which will enable the PLCA to do more projects.

Mr. Cramer asked for the PLCA Landscape Committee to provide a report to the CDDs. He discussed being involved in a recent issue at the North entrance.

B. Colony Landscape Committee

The Report was included for informational purposes.

FOURTEENTH ORDER OF BUSINESS

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

Mr. Adams distributed and presented the Monthly Year-End Financial Forecast Report.

FIFTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2024

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2024. He responded to questions about earned interest; reconciling the \$88,000 owed to Bayside CDD by

Bay Creek, including interest; and the change in the current and prior Variance Report. Mr. Adams will follow up with BankUnited about the earned interest and research the Variance Report.

Staffing projections were discussed.

The financials were accepted.

SIXTEENTH ORDER OF BUSINESS

Approval of January 22, 2024 Joint Regular Meeting Minutes

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Montgomery, with all in favor, the January 22, 2024 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Addison, with all in favor, the January 22, 2024 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

SEVENTEENTH ORDER OF BUSINESS

Action/Agenda Items

This item was not addressed.

EIGHTEENTH ORDER OF BUSINESS

Old Business

There was no old business.

NINETEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

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

Mr. Urbancic reminded the Board Members to complete the required four-hours of ethics training before the end of 2024. Any legislative updates or changes that impacts the CDDs will be provided once the legislative session ends on March 9, 2024.

Regarding ethics training courses, Mr. Adams will email information upon receipt from Mr. Urbancic; information can also be found on the Commission on Ethics website. Board Members should expect an email from the Commission on Ethics to register before electronically filing Form 1 with the Commission on Ethics, instead of with the local Supervisor of Elections.

II. Daniel Cox, Esq.

Mr. Cox was not present.

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

I. Monthly Status Report: Field Operations

The Monthly Report was included for informational purposes.

II. NEXT MEETING DATE: March 25, 2024 at 2:00 PM

o QUORUM CHECK

All Supervisors confirmed their attendance at the March 25, 2024 meeting.

TWENTIETH ORDER OF BUSINESS

Supervisors' Requests

Ms. Montgomery recalled the Florida Gulf Cost Water School Presentation on February 9, 2024 that showed a direct link in how water quality affects seagrass growth, which affects the manatees; she thinks the presentation was very effective with the residents. She suggested the PLCA invite them to give the same presentation and for the CDDs to include "Discussion of Water Quality and the Task Force" as an agenda item.

Mr. Cramer suggested, and the Boards agreed to invite Ms. Lauren Craig, of Hot Wire, to give a presentation and for the CDDs to broadcast information in the community, similar to the Pelican Landing program.

Mr. Cramer stated that the PLCA plans to do sidewalk repairs on Gold Crest and thinks the PLCA needs to work together with the CDDs, as a team, to ensure PLCA projects do not damage CDD property. Mr. Adams will contact Heather.

Mr. Durney asked Mr. Adams to provide the Boards with information about the inconsistencies in the Financial Reports.

TWENTY-FIRST ORDER OF BUSINESS

Public Comments: Non-Agenda Items

This item was presented following the Eleventh Order of Business.

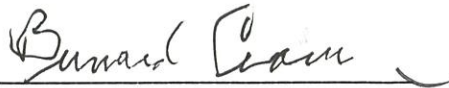
TWENTY-SECOND ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned at 4:25 p.m.

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

February 26, 2024



Secretary/Assistant Secretary



Chair/Vice Chair

FOR BAY CREEK:



Secretary/Assistant Secretary



Chair/Vice Chair