

**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 March 25, 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
Robert Travers	Vice 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 (via phone/Zoom)	District Counsel, Bayside Improvement CDD
Dan Cox (via phone/Zoom)	District Counsel, Bay Creek CDD
Frank Savage (via phone/Zoom)	District Engineer
Paul Kemp	Field Manager
Andy Nott	Superior Waterway
Jim Hoppensteadt	Pelican Landing General Manager
Dean Francis	Resident & Longlake Village HOA President
Richard McPhail	Resident
Deb McKenna (via phone/Zoom)	Resident, Bay Cedar Neighborhood Community President & past Activity Amenity Group Chair

Other Residents (in person/via phone/Zoom)

**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.

The Pledge of Allegiance was recited.

**SECOND ORDER OF BUSINESS**

**Roll Call**

All Supervisors were present for both Bay Creek and Bayside Improvement CDDs.

Mr. Cramer introduced Mr. Jim Hoppensteadt, the new Pelican Landing General Manager.

Mr. Hoppensteadt stated he is looking forward to working with everyone.

**THIRD ORDER OF BUSINESS**

**Public Comments: Agenda Items**

Resident Dean Francis asked to defer his comments until the Seventh Order of Business.

Resident Richard McPhail discussed the new street lights at the main entrance. He shared photographs, noting that the lights were installed 33 yards from his backyard; he thinks they are too close and that no consideration was given to the impact on nearby residents. He was advised that the PLCA owns the property; it was a PLCA project, not a CDD project. Regarding a suggestion to contact the City of Bonita Springs, as it might violate the lighting code, Mr. Hoppensteadt stated a permit is not required, as only low voltage landscape lighting was installed. Mr. Cramer voiced his opinion that all projects should be done for the benefit of the total community. He spoke to Mr. Hoppensteadt about the need for better communication between the two entities.

**JOINT BUSINESS ITEM(S)**

**FOURTH ORDER OF BUSINESS**

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

Mr. Savage reported the following, with regard to the annual National Pollutant Discharge Elimination System (NPDES) Report:

- The Department of Environmental Protection (DEP) has not submitted any additional feedback on the annual Cycle 4 Year 6 Report that was submitted in October. The CDDs will not be one of the co-permittees identified as an audit for this current cycle and no further action is required on the previous years' permit.

**BAYSIDE IMPROVEMENT/BAY CREEK CDDS**

**March 25, 2024**

- The DEP has not issued the new permit for Cycle 5; therefore, Staff will continue with Cycle 4 Year 7 of the existing permit cycle.
- The surface water management inspections must be completed by the end of April. Data is needed by mid-summer to start preparing the next report, which is due by the end of October.
- The annual sluice gate inspections will be completed by May 1, 2024.

**FIFTH ORDER OF BUSINESS**

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

Mr. Nott presented the Treatment Report and reported the following:

- Overall, the lakes look good.
- All aerators were inspected; the work orders will be completed by the end of next week.
- Regarding Lake A-16, the second opinion testing report has not been received yet.
- Regarding floating debris in Lake B-7 and the fountain not working, these issues will be addressed after the meeting.
- Superior cannot perform tadpole removal services.
- Regarding the Report missing the Bay Creek section of the lakes, the missing pages of the Report will be emailed to Mrs. Adams to distribute to the Board Members.
- Going forward, all the lakes will be surveyed by Mr. Nott the second week of each month, in addition to the technicians.

Mr. Nott was asked to enhance the Report and clarify target invasives; for example, Lake A-2, Alligatorweed.

**SIXTH ORDER OF BUSINESS**

**Presentation of Hotwire**

Mr. Cramer stated that he and Mr. Hoppensteadt discussed the PLCA sending a newsletter and integrating the CDD information, instead of utilizing the services of Hot Wire.

**SEVENTH ORDER OF BUSINESS**

**Update: Valve Installation and isolation Test**

Mr. Kemp stated that, once it was determined that the water main line travels beyond Longlake Village, he advised the contractor that it was not appropriate to install a filter, as it will affect properties outside the community. Emails to Mr. Adams about this are in the agenda.

Resident and Longlake Village HOA President Dean Francis distributed and presented his letter outlining the HOA’s investment to correct landscape and the irrigation system issues. As WCI commingled the irrigation systems, he asked for help resolving the issue so Longlake Village can proceed with the filter project. Mr. Adams will review the project with Mr. Kemp, as the solution might only require modifying the transmission.

**EIGHTH ORDER OF BUSINESS**

**Consideration of W.J. Johnson & Associates, Engineering Services Letters of Engagement for Maintenance and Administrative Facility on Coconut Rd.**

- A. Building Pricing**
- B. Deferred Maintenance Items**
- C. Zoning LDO- Proposed New Building**

Board Members noted deficiencies in all three items and appointed Mr. Nicholson to work with Mr. Adams and Johnson Engineering to clarify the scope for zoning, the Limited Development Order (LDO) and other items excluded from the proposals, etc. As to funding and noting that Bayside CDD owns the building, Mr. Adams stated that the shared cost is 65%/35%.

Discussion ensued regarding obtaining quotes to construct the building with steel and concrete block, including a flat fee with a Fee Schedule in the Agreements and the preference for a secured building as opposed to a carport.

**NINTH ORDER OF BUSINESS**

**Consideration of Johnson Engineering, Inc. 2023 Water Quality Monitoring Report**

Mrs. Adams stated that this was included in error; Mr. Denison will present the Report at the next meeting. The “Discussion of Water Quality and the Task Force” item that was supposed to be on this agenda will be on the next agenda.

**TENTH ORDER OF BUSINESS**

**Committee Reports**

- A. PLCA Landscape Committee**
- B. Colony Landscape Committee**

There was no report.

The Report was included for informational purposes.

**ELEVENTH ORDER OF BUSINESS**

**Discussion: Colony Streetlights**

The Colony Lighting Report dated March 25, 2024 was distributed.

Mr. McCarthy stated that The Colony’s existing streetlights, which do not comply with the code, were grandfathered in since they were installed before the Village of Estero’s code requirements were written. He thinks changing the colored lights will require The Colony to bring them up to code and, since the CDDs do not have a standard color, this is a higher level of service than typical, so the expense should be coded to The Colony’s General Fund 002 account.

Discussion ensued regarding consolidating the bright white bulbs to the Bayside CDD, The Colony preference for warm white bulbs, the need to paint the light poles in The Colony, possible expense to convert lights to LED and implementing a light pole replacement program.

Ms. Gravenhorst stated that The Colony decided not to convert to LED lights since there would be no break in the electric bill.

Mr. Willis and Mr. Kemp will coordinate these projects.

**TWELFTH 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.

**THIRTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of February 29, 2024**

Mr. Adams stated Accounting is incorporating “earned interest” into the Financials. Regarding the Enterprise Funds, he thinks the CDDs might need to increase assessments in Fiscal Year 2025 if the Boards want the surplus fund balance to remain as is. Regarding the Enterprise Fund, Mr. Adams will research and provide Mr. Durney with information about the \$10,000 assigned to the “Nonoperating revenues/(expenses)-Miscellaneous income” budget line item.

The financials were accepted.

**FOURTEENTH ORDER OF BUSINESS**

**Approval of February 26, 2024 Joint Regular Meeting Minutes**

**On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Janek, with all in favor, the February 26, 2024 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.**

**On MOTION for Bayside by Mr. Nicholson and seconded by Ms. Montgomery, with all in favor, the February 26, 2024 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.**

**FIFTEENTH ORDER OF BUSINESS**

**Action/Agenda Items**

Page 4, Item 15: For the next meeting, Mr. Adams is creating a PowerPoint depicting ownership based on a 2003 document that he found.

**SIXTEENTH ORDER OF BUSINESS**

**Old Business**

Ms. Gravenhorst advised Mr. Hoppensteadt of the Boards’ decision not to take action implementing a cane toad removal plan unless all the communities and the golf course participate. She noted that Southern Trappers finally submitted a proposal. Mrs. Adams stated that she sent both proposals to all parties and to Ms. Montgomery and Mr. Travers; she recalled that they volunteered last year to be liaisons to work with all the entities.

Ms. Montgomery advised Mr. Hoppensteadt that the Bonita Bay HOA’s structure is different and consists of a number of volunteers who highly recommend engaging Southern Trappers. She thinks leadership from the PLCA is needed to help the CDDs get the communities engaged in this project and offered to meet with him.

**SEVENTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

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

Mr. Urbancic and Mr. Cox discussed pending legislation.

**II. Daniel Cox, Esq.**

Mr. Cox tendered his resignation after serving as District Counsel over 26 years. He will be available to answer questions. Mr. McCarthy thanked Mr. Cox for his service to the Districts.

Mr. Urbancic will submit an engagement letter to serve as District Counsel for Bay Creek CDD.

**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: April 22, 2024 at 2:00 PM**

**o QUORUM CHECK**

All Supervisors confirmed their attendance at the April 22, 2024 meeting.

It was noted that Mr. Nicholson will be absent in May and July. Ms. Montgomery stated she is not available in July and will probably attend the August meeting via telephone.

**EIGHTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

This item was presented following the Nineteenth Order of Business.

**NINETEENTH ORDER OF BUSINESS**

**Public Comments: Non-Agenda Items**

Resident, Bay Cedar Neighborhood Community President and past Activity Amenity Group Chair Deb McKenna thanked the CDDs and especially Mr. Kemp for all the work he did for both Bay Cedar and the butterfly garden.

**▪ Supervisors' Requests**

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

Mr. Cramer asked for PLCA to work with the CDDs so everyone knows what projects are occurring. He thinks that the CDDs are more involved with the PLCA than the other way around.

Regarding who is responsible for landscape lighting, Mr. Adams stated the CDDs took on maintenance responsibility. The PLCA engaged Bently Electric to install the lighting.

Discussion ensued regarding the Bently contract, warranty terms and whether an on-going maintenance service agreement was executed.

Ms. Gravenhorst asked for information about completing the four hours of ethics training requirement. Mr. Adams will resend the information. He noted that the Board Members have until December 31, 2024 to complete the requirements and they will report completion of the requirement when filing Form 1 in 2025.

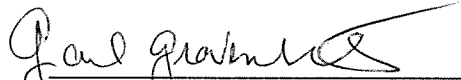
**TWENTIETH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned at 3:57 p.m.


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


**March 25, 2024**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair