

**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 April 22, 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 (via phone/Zoom)	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
Wes Kayne (via phone/Zoom)	District Engineer
Paul Kemp	Field Manager
Andy Nott	Superior Waterway
Jim Hoppensteadt	Pelican Landing General Manager
Eric Franzoi	President of W.J. Johnson & Associates
Dean Francis	Resident & Longlake Village HOA President
Norman Billups	Resident

Jane Speidel	Resident
Robert Cameron	Resident
Patricia Haskin	Resident
Laurie Francis	Resident
Tom Briers	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.

The Pledge of Allegiance was recited.

SECOND ORDER OF BUSINESS

Roll Call

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

For Bay Creek CDD, all Supervisors were present.

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

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

Resident Robert Cameron voiced his opinion that the CDDs operated poorly this past year. He thinks the irrigation system performed poorly and the Capri lawns are unsightly. He had new sod installed in his front yard, at his expense.

Mrs. Adams stated that she received several public comments about this and suggested hearing all public comments before Mr. Kemp responds.

Resident Patricia Haskin, speaking on behalf of Capri homeowners, asked for reimbursement of the cost to replace damaged lawns and bushes due what she believes was incorrect programming of the sprinkler system last summer, despite reporting irrigation issues to appropriate Staff. She discussed letters sent to residents about the condition of their lawns,

collected signatures from nine residents who suffered loss and questioned scheduling upcoming plantings when the email states they are only allowed to water once a week. In her opinion, communication is lacking. She requested help from the Board.

Resident Jane Speidel stated that Ms. Haskin expressed residents' displeasure and the residents want the Board to find a solution in what transpired in Capri.

Mr. Kemp discussed transitioning between the Phase 2 and Phase 3 pump schedules to address drought conditions last summer, to recharge the wells and replenish water in the lakes. Residents should notify Staff of sprinkler issues, as it might be due to a clogged meter that just needs to be flushed out.

Discussion ensued regarding distribution of the pump station schedule, correction of the pump station mis-programming within four weeks, residents understanding the pump schedule, Lee County's once a week water restrictions due to current drought conditions and the customer service links that are posted on the website.

Resident and Longlake Village HOA President Dean Francis asked about the filter project and asked if neighborhood volunteers can install littoral plantings to expand the buffer, at their expense. Mr. Adams stated Staff will obtain proposals once the best location to tie into the system is determined; the project is expected to be completed later this summer. Regarding littorals, he suggested residents redirect sprinkler heads to cover the littorals during the dry season, not plant lilies and plant littorals that produce color.

The preferred list will be emailed to Mr. Francis.

Resident Norman Billups referred to photographs and distributed the letter to Longlake Representatives listing several of his concerns about the berm turning onto Pennyroyal Drive.

Mr. Adams stated that he inspected the berm after receiving Ms. Cramer's email. With guidance from the Landscape Committee, he and the Field Manager will work on a remediation plan to return the area to the Landscape Architect's plan; work will commence in the rainy season.

Mr. Durney suggested Mr. Billups mention his concerns to the Landscape Committee.

JOINT BUSINESS ITEM(S)

FOURTH ORDER OF BUSINESS

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

Mr. Kayne reported the following:

- The Bayside annual sluice gate inspections were completed Friday. He will submit the Report to Mrs. Adams by Friday to include on the next agenda. Staff reported one structure with a rusty chain due to the wheels locking up; overall, everything “looked good”.
- Parcel M & N: Field Representatives continue with on-site inspections of the temporary conveyance every two to three weeks. At this time the BMP’S are still in place and there are no issues.
- The 24” directional bore for drainage crossing Pelican Colony Boulevard took a few days to uncover; once connected to the temporary conveyance, the CDD might see some improvement.

FIFTH ORDER OF BUSINESS

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

Mr. Nott presented the Treatment Report and discussed upcoming monitoring and treatments on certain lakes. Overall, the lakes look good. He distributed and presented the Estero Water Sample analysis for Lake A-16. The concern is identifying ammonia and COD Chemical oxygen demand; aeration will help over time but applying a high rate of bacteria for one month is recommended and initiating a maintenance plan for one year, which will help reduce the nutrients, breakdown organic materials and sludge in the bottom of the lake, and help with odor and clarity. He will provide treatment and maintenance proposals for the next agenda.

- **Consideration of Service Agreement [Fountain Repair]**

Mr. Kemp presented the Superior Waterway Services, Inc. proposal to retrofit lighting in Fountains B3 South and B3 North to modern LED lights.

Mr. Adams addressed a question about the budget and Mr. Nott addressed a question about shipping costs; the CDDs will be credited if the actual shipping cost is less than the amount listed.

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Montgomery, with all in favor, the Superior Waterway Services, Inc. Service Agreement for Fountain Repair dated October 16, 2023 to retrofit Fountains B3 South and B3 North lighting to LED lights, for a combined total not-to-exceed amount of \$4,895.14, was approved.

On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Travers, with all in favor, the Superior Waterway Services, Inc. Service Agreement for Fountain Repair dated October 16, 2023, to retrofit Fountains B3 South and B3 North lighting to LED lights, for a combined total not-to-exceed amount of \$4,895.14, was approved.

SIXTH ORDER OF BUSINESS

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

Mr. Franzoi presented Letters of Engagement for a revised Statement of Work and estimated costs, as follows:

A. Building Pricing

The estimated cost to quantity the installed cost of a steel building is \$29,500; bids will be solicited to purchase, install and erect a prefabricated steel structure and concrete pad, which will be presented, along with building specs, at a future meeting.

B. Deferred Maintenance Items

The estimated cost for maintenance items deferred beyond their life expectancy is \$39,600.

C. Zoning LDO- Proposed New Building

The estimated cost to apply for the Limited Development Order (LDO) "Type D" requested by Zoning and apply for the zoning administrative amendment, if required, is \$6,750. Mr. Adams advised Mr. Franzoi that the CDDs will pay the application fees directly to the County.

Discussion ensued regarding estimates exceeding the \$35,000 competitive bid threshold, asking Mr. Franzoi to review bids, find out if they can be adjusted below the threshold amount and Management processing the maintenance proposal.

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Montgomery, with all in favor, the W.J. Johnson & Associates Letters of Engagement for Project #23048.03 and Project #23048.04, subject to Mr. Franzoi adjusting the total amount to not exceed \$34,999, were approved.

On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Travers, with all in favor, with all in favor, the W.J. Johnson & Associates Letters of Engagement for Project #23048.03 and Project #23048.04, subject to Mr. Franzoi adjusting the total amount to not exceed \$34,999, were approved.

SEVENTH ORDER OF BUSINESS

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

This item was deferred.

EIGHTH ORDER OF BUSINESS

Discussion: Water Quality and the Task Force

This item was deferred.

NINTH ORDER OF BUSINESS

Consideration of Coleman Yovanovich Koester, P.A. Engagement for District Counsel Services [Bay Creek CDD]

Mr. McCarthy asked Mr. Urbancic how the CDDs will be billed. Mr. Urbancic stated that he will bill his time in half between the CDDs for general items and then separate billing for items specific to each District.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, with all in favor, engagement of Coleman Yovanovich Koester, P.A. to serve as District Counsel for the Bay Creek CDD, was approved.

TENTH ORDER OF BUSINESS

Discussion/Update: Cane Toad Summary from April 9, 2024 PLCA Meeting

The Cane Toad Summary of discussions from the April 9, 2024 PLCA Meeting was included for informational purposes.

Ms. Montgomery stated that all participants in the PLCA meeting concluded that a cane toad removal plan is a CDD matter to coordinate. She recommended deferring this until the Pesky Varmints and Southern Trappers proposals can be presented at the next meeting.

Discussion ensued regarding the CDDs maintaining the lakes, adult toads outside CDD property, Pesky Varmints 50% discount if everyone participates, the contract not including a promise to diminish the population and a suggestion to contact the person written up in the News Press and Florida Weekly about a program he devised.

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Gravenhorst, with all in favor, taking no action and tabling this until all participants agree to participate in the program, was approved.

On MOTION for Bay Creek by Mr. Addison and seconded by Ms. McVay, with all in favor, with all in favor, taking no action and tabling this until all participants agree to participate in the program, was approved.

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.

▪ Approval of March 25, 2024 Joint Regular Meeting Minutes

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

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Nicholson, with all in favor, the March 25, 2024 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 March 25, 2024 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

TWELFTH ORDER OF BUSINESS

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

The Monthly Year-End Financial Forecast Report was distributed in the meeting.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2024

Mr. Adams discussed CDD Management taking action to ensure the interest earned amounts in the ICS accounts are captured correctly in future statements. The next statement will show the transfer of funds he authorized to the BankUnited ICS investment account. There are plans to close out Bayside’s FineMark account and Wells Fargo account; those funds will be moved to the ICS account. He will email the current financial position to the Boards and move the “miscellaneous income” line item for both CDDs under the Operating Revenues section.

Discussion ensued regarding monitoring the “Irrigation” revenue line item.

The financials were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of March 25, 2024 Joint Regular Meeting Minutes

This item was presented following Item 11B.

FIFTEENTH ORDER OF BUSINESS

Action/Agenda Items

This item was not addressed.

SIXTEENTH ORDER OF BUSINESS

Old Business

There was no old business.

SEVENTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Gregory Urbancic, Esq., Coleman Yovanovich Koester, P.A.

There was no report.

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: May 20, 2024 at 2:00 PM [Presentation of Fiscal Year 2024/2025 Proposed Budget]

o QUORUM CHECK

All Supervisors, except Mr. Nicholson, confirmed their attendance at the May 20, 2024 meeting.

EIGHTEENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. Montgomery advertised the PLCA meeting this Thursday at 4:00 p.m., and invited everyone to learn about the Corkscrew Regional Eco System Watershed. She conveyed the question from a Sawgrass Board Member regarding how Sawgrass can get a fountain in its lake. Mr. Adams advised that it must be coordinated with the golf course.

Ms. Gravenhorst asked if sod replacement is part of the plant replacement budget. Mr. Kemp relied affirmatively.

Mr. Nicholson asked if Mr. Hoppensteadt is interested in his offer to discuss the Emergency Preparedness and Emergency Response plans in place. Mr. Hoppensteadt relied affirmatively.

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 3:31 p.m.

FOR BAYSIDE IMPROVEMENT:



Secretary/Assistant Secretary



Chair/Vice Chair

FOR BAY CREEK:



Secretary/Assistant Secretary



Chair/Vice Chair