

**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 October 28, 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
Mary McVay	Assistant Secretary
Gary Durney (via phone/Zoom)	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Greg Urbancic	District Counsel
Frank Savage (via phone)	District Engineer
Paul Kemp	Field Manager
Andy Nott (via phone/Zoom)	Superior Waterway
Jim Hoppensteadt	Pelican Landing General Manager

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, all Supervisors were present.

For Bay Creek CDD, Supervisors Travers, Janek and McVay were present. Supervisor Durney attended via telephone. Supervisor Addison was not present.

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

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

Resident Mary Schaeffer discussed recurring issues with her water delivery, including low water pressure, and noted that her water bill increased greatly despite the lack of water.

Mr. Kemp noted an ongoing issue with sludge, due to low water levels and debris accumulation in trouble spots. He noted that flushing was necessary in cases where main lines terminate in a community. He offered to put her property on a schedule to be addressed on a weekly basis for a period of time, until the issue is resolved.

Ms. Schaeffer will call customer service to schedule a service call to check her meter for proper function and request a one-time adjustment to her water bill, as discussed.

FOURTH ORDER OF BUSINESS

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

There was no report.

- **Consideration of NPDES – Cycle 4 Year 7 Annual Report**

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

Mr. Savage presented the current National Pollutant Discharge Elimination System (NPDES) Annual Report, which is actually the Cycle 4 Year 7 Report. The permit is intended to cycle every five years; however, the Florida Department of Environmental Protection (FDEP) is behind in generating the new Permit, as indicated on Page 4 of the Report. The District Engineer performed the nutrient analysis and prepared the document and District Management Staff conducted the required inspections. The Report was submitted to Lee County, which provided a few opportunities to earn additional points for CDD activities; these will be added prior to final submission to the FDEP.

The following changes were made to the Report:

Page 2: Delete last bullet point beginning with “Residents and Supervisors” and delete associated references where appropriate, including on Pages 7 and 8.

Page 4 of 14, Part III.A.1: Update “Dry retention systems” to reflect the correct quantity.

Page 6 of 14, A. “Estimated quantity of sweeping material collected”: Indicate “cy”

Page 7 of 14, Part III.A.6: Correct formatting of “Solitude/Superior”

Page 8 of 14, Part III.A.7.C: Correct formatting of “Solitude/Superior”

Page 7 of 14, Part III.A.6: Remove “PLWQTF Resident Letter”

Page 8 of 14, Part III.A.6: Remove “PLWQTF Resident Letter” and “PLWQTF Workshops”

Assessment Results, Page 2 and throughout: After “trend is relatively flat, however,” insert “for the past 6 years”

Assessment Results, Page 3 and throughout: After “approximately 0.83 mg/L per year” insert “for the past 5 years”

Discussion ensued regarding the Exhibits, linear models and trends.

Mr. Savage stated that the revised Report will be provided for review and approval prior to final submission to the FDEP.

Ms. McVay left the meeting at 2:27 p.m., and the quorum for Bay Creek CDD was lost.

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Nicholson, with all in favor, accepting the NPDES Report, as amended, and authorizing the Chair to execute after revisions, was approved.

It was noted that, since Bay Creek CDD no longer has a quorum, Bay Creek CDD’s agenda items will be presented for approval and/or ratification at the next meeting, as appropriate.

FIFTH ORDER OF BUSINESS

Treatment Report: September 2024 - Superior Waterway Services, Inc. (Andy Nott)

The monthly Treatment Report was included for informational purposes. The nitrogen and phosphorus test results were distributed.

Mr. Nott reviewed the handout documenting the results of nitrogen and phosphorus water testing and discussed the finding that, while several lakes typically test high for nitrogen, the levels have not increased significantly. Levels are most likely related to fertilizer nutrients. Phosphorus levels fluctuated slightly but were within typical levels. The Phosphorus results for Lake F-12 are pending and will be added, when available.

Mr. Nott reviewed the results of E. coli water testing and discussed the determination that the higher E. coli concentrations are not related to birds.

Discussion ensued regarding naturally occurring E. coli, false positives and testing to rule out a human source. It was noted that the tests were taken following heavy rains.

Referring to an exhibit, Mr. Adams voiced his belief that four homes on the original model row might have septic systems. Given the age of the homes, tendency of groundwater flow and the possibility of leakage, he suggested testing for human source E. coli.

Discussion ensued regarding septic systems, odors after the hurricane and connections in the community.

It was noted that Pelican Landing has mandatory central sewer. Staff will contact Bonita Springs Utilities (BSU) to determine which homes are not connected.

SIXTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Mr. Hoppensteadt stated the monuments were planted; some additional funds were spent to replace plantings damaged by the storms. Funds were allocated to landscape the circles in the interior of the community in the coming year.

B. Colony Landscape Committee

The Colony Landscape Committee Report was included for informational purposes.

Ms. Gravenhorst stated that The Colony emailed to inform residents that, while many plants affected by Hurricane Milton will look severe for several months, they are expected to recover.

Mr. Adams stated that, after viewing the property today, it was determined that the palm tree trimming in The Colony, which is normally done in January, will be moved up to next week. Trimming is expected to take one month. This will improve the appearances but, as plants go into dormancy, they will remain brown and dry for some time.

Mr. Cramer asked if trimming the Bismark palm trees affected by the hurricanes is a CDD responsibility. Mr. Adams stated that those outside The Colony will be added to the palm tree trimming contract. Mr. Kemp stated those trimmings are scheduled for the second week of January.

SEVENTH ORDER OF BUSINESS

Discussion: Maintenance Site Deferred Maintenance Summary of Costs

Mr. Adams stated the Maintenance Site Deferred Maintenance Summary of Costs and proposals, which range from \$112,670 to \$128,343, is unchanged since the previous meeting. Staff is determining the cost associated with the covered parking area. A call with Mr. McCarthy and the original Johnson Engineering Engineer is scheduled for tomorrow; their participation and cooperation will be requested to assist Mr. McCarthy with filing the application for the permit.

EIGHTH ORDER OF BUSINESS

Consideration of NPDES – Cycle 5 Year 6 Annual Report

This item was presented following the Fourth Order of Business.

NINTH ORDER OF BUSINESS

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

Mr. Adams stated that there is no Year-End Financial Forecast this month, as the Unaudited Financial Statements through the end of the Fiscal Year 2024 are included in the agenda.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2024

Mr. Adams presented the Unaudited Financial Statements as of September 30, 2024. Most CDD-specific funds are in good shape, other than the Bay Creek Enterprise Fund. Given the lean position, an adjustment to the Enterprise Fund 451 rates, fees and charges, by introducing a base fee, will be considered at the Public Hearing.

Mr. McCarthy questioned the Interest earnings on Page 2 and asked for a list of investments. Mr. Adams stated that, unfortunately, the account was not opened early enough for the bulk of the assessment revenues to be invested as early as possible. He noted that year-to-date interest income is shown under “Nonoperating revenues” on Page 16 and is currently \$29,987 for Enterprise Fund 401.

Mr. McCarthy asked for a vigilant focus on optimizing income.

The financials were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of September 23, 2024 Joint Regular Meeting Minutes

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, the September 23, 2024 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

This item will be included on the next meeting agenda for consideration by the Bay Creek CDD Board.

TWELFTH ORDER OF BUSINESS

Action/Agenda Items

It was noted that the Action Items list will be updated following the meeting.

THIRTEENTH ORDER OF BUSINESS

Old Business

There was no old business.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Urbancic reminded the Board Members to complete the required four hours of ethics training by December 31, 2024 and to note completion of the requirement when filing Form 1 in 2025.

Mr. McCarthy stated that the 50-minute-long courses are granted credit for one hour.

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

I. Monthly Status Report: Field Operations

There was no report.

II. NEXT MEETING DATE: December 9, 2024 at 2:00 PM [Adoption of Irrigation Rates (Bay Creek)]

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

All Bayside Supervisors confirmed their attendance at the December 9, 2024 meeting.

Bay Creek Supervisors Travers and Janek confirmed their attendance at the December 9, 2024 meeting. Supervisor Durney will attend via telephone.

FIFTEENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. Gravenhorst stated that she received an email from a Cielo Board Member regarding drainage between 4751 and 4761. A bubble up structure flows from F-13 to the preserve. Photos were sent to Mr. Adams. She stated that Mr. Willis and Mr. Kemp inspected the area and asked for M.R.I. to inspect the area and advise, as the area is full of standing water that is not draining despite the current dry conditions.

Ms. Gravenhorst stated that pine straw was installed at The Colony on October 12, 2024, three days after the hurricane. She showed pictures of the area and expressed dissatisfaction with the work and voiced her opinion that a new contractor should be sought and that the next installation should be delayed.

Mr. Adams stated that, due to the size of the project, the schedules are established one year ahead in advance and, if canceled, there is no guarantee that another contractor will be available.

Mr. Kemp agreed and stated that, for the last two years, he had Staff follow the contractor to beautify the area.

Mr. Adams stated that, due to the size of the order, many smaller contractors would be unable to fulfill the order. It was noted that contractors are also busy with hurricane cleanup and that the demand for their services is great. Mr. Willis stated that it is a very small niche and getting multiple vendors to bid on the project is a challenge.

Ms. Montgomery reported an issue at 4171 Sawgrass Point, Unit #101, and asked for canna lily to be replaced with spikerush.

Mr. Cramer asked for the toilets that were in the marina area to be removed from the mangroves. Mr. Hoppensteadt stated that he notified the owner to remove the trailer before the hurricane and they were not responsive; staff is working on it.

Mr. Cramer voiced his opinion that The Landings publication is well done and asked for the Year End Report to be included. Mrs. Adams stated that it will be sent once the edits are completed.

SIXTEENTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

No members of the public spoke.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

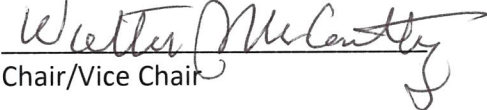
On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, the Bayside Improvement CDD meeting adjourned at 3:17 p.m.

There being nothing further to discuss, the Bay Creek CDD meeting adjourned at 3:17 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