

**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 Public Hearing and Joint Regular Meeting on December 9, 2024 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134. Members of the public could participate in the meeting, via Zoom, at <https://us02web.zoom.us/j/84137772934>, Meeting ID: 841 3777 2934 or 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
Jerry Addison (via phone/Zoom)	Assistant Secretary

Also present:

Chuck Adams (via phone/Zoom)	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Greg Urbancic	District Counsel
Frank Savage	District Engineer
Paul Kemp	Field Manager
Andy Nott	Superior Waterway
Patrick McGinnis	Palermo Board of Directors
Don Hulgas	Palermo Building Manager
Anne Cramer	Resident
Ellen Dennis (via phone/Zoom)	Resident
Bill Dietz	Resident & Pelican Landing Eco Club Advisory Group Member

FIRST ORDER OF BUSINESS

Call to Order/Phone Silent Mode/Pledge of Allegiance

Mrs. 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 Gravenhorst, Cramer, McCarthy, Nicholson and Supervisor-Elect Montgomery were present.

For Bay Creek CDD, Supervisors Travers, McVay and Supervisor-Elect Janek were present. Supervisor Durney and Supervisor-Elect Addison attended via telephone.

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

▪ **Presentation: Palermo Drainage Issues in Parking Garage**

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

Palermo Board of Director Patrick McGinnis and the Palermo Building Manager Don Hulgas gave a PowerPoint presentation outlining the drainage issues in the Palermo garage and in front of the Palermo building. He noted the causes, actions taken, impacts to homeowners and likely actions for CDD remediation.

Regarding the pipe Roto-Rooter and MRI cleaned, from the garage across Pelican Colony Boulevard, Mrs. Adams stated it is not a CDD pipe. Mr. Kemp thinks the drainage issue is originating from an unmarked structure east of the marked-up area of the map, as MRI removed sediment surrounding the palm trees. MRI recommends removing built up vegetation and installing riprap in the wetland natural area.

Mr. Savage stated the CDD would be responsible for remediation of the pipe/drainage if the impact is occurring upstream of CDD infrastructure. Mrs. Adams discussed the CDDs' rotating pipe inspection and cleaning policy. She stated that problems that arise before routine inspections are addressed immediately.

Discussion ensued regarding factoring in past storm events, the possibility that the crane used to replace the building roof was a contributing factor in soft areas, considering causes before involving the District Engineer, elevation parameters for a 100-year storm being separate from the Federal Emergency Management Agency (FEMA) establishing flood and finish floor elevations in flood areas and the water on the floor of the garage being an ongoing issue.

Mr. Savage was directed to review the original design parameters and permitting calculations and compare them against the current data, in addition to identifying responsibilities. MRI will review district pipes and grates, while the HOA reviews their pipes.

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

Resident Anne Cramer expressed concern about proposed drainage elevations that do not connect to the CDD drainage pipe on lots adjacent to 3620 Fiddlehead Court, specific to the Eleventh and Twelfth Orders of Business, and that it might impact her and her neighbor’s properties. Mrs. Adams stated this will be addressed when those agenda items are presented.

Ms. Cramer asked that the remediation plan discussed in April to correct the irrigation issues at the roundabout and the Pennyroyal berm, and the CDD working with the Landscape Committee to install deficient planting, will occur sometime soon.

FOURTH ORDER OF BUSINESS

Presentation: Palermo Drainage Issues in Parking Garage

This item was presented following the Second Order of Business.

BAYSIDE IMPROVEMENT CDD ITEMS

FIFTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors [Karen Montgomery – Seat 1, Walter J. McCarthy – Seat 3, William J. Nicholson – Seat 5] (the following to be provided in separate package)

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Karen Montgomery, Mr. Walter J. McCarthy and Mr. William J. Nicholson. She and Mr. Urbancic explained the following:

A. Required Ethics Training and Disclosure Filing

- **Sample Form 1 2023/Instructions**
- B. Membership, Obligations and Responsibilities**
- C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers**

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2025-01, Electing and Removing Officers of the District and Providing for an Effective Date

Mrs. Adams presented Resolution 2025-01. Ms. Montgomery nominated the following:

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

No other nominations were made.

The following prior appointments by the Board remain unaffected by this Resolution:

Chuck Adams	Secretary
Craig Wrathell	Assistant Secretary
Craig Wrathell	Treasurer
Jeff Pinder	Assistant Treasurer

On MOTION for Bayside by Ms. Montgomery and seconded by Ms. Gravenhorst, with all in favor, Resolution 2025-01, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.

BAY CREEK CDD ITEMS

SEVENTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors [Jerry Addison – Seat 1, James Janek – Seat 3] (the following to be provided in separate package)

Mrs. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. James Janek. The Oath of Office will be administered to Supervisor-Elect Jerry Addison at or before the next meeting.

- A. Required Ethics Training and Disclosure Filing**
 - **Sample Form 1 2023/Instructions**
- B. Membership, Obligations and Responsibilities**
- C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers**

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2025-01, Electing and Removing Officers of the District and Providing for an Effective Date

Mrs. Adams presented Resolution 2025-01. Mr. Travers nominated the following:

James Janek	Chair
Robert Travers	Vice Chair
Jerry Addison	Assistant Secretary
Mary McVay	Assistant Secretary
Robert Durney	Assistant Secretary

No other nominations were made.

The following prior appointments by the Board remain unaffected by this Resolution:

Chuck Adams	Secretary
Craig Wrathell	Assistant Secretary
Craig Wrathell	Treasurer
Jeff Pinder	Assistant Treasurer

Supervisor-Elect Jerry Addison was informed he is unable to vote on CDD matters until the Oath of Office is administered.

On MOTION for Bay Creek by Mr. Travers and seconded by Ms. McVay, with all in favor, Resolution 2025-01, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Bay Creek Public Hearing on Adoption of Irrigation Rates

- A. Proof/Affidavits of Publication**
- B. Consideration of Resolution 2025-02 Amending the District’s Rules Relative to its Irrigation Utility Regulations and Rates and Charges for Utility Service; and Providing an Effective Date**

Mrs. Adams presented Resolution 2025-02. Mr. Adams recalled that the CDD budget was based on the irrigation rate changes and recommended approval.

On MOTION for Bay Creek by Mr. Travers and seconded by Ms. McVay, with all in favor, the Public Hearing was opened.

No affected property owners or members of the public spoke.

On MOTION for Bay Creek by Mr. Janek and seconded by Ms. McVay, with all in favor, the Public Hearing was closed.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Janek, with all in favor, Resolution 2025-02 Amending the District’s Rules Relative to its Irrigation Utility Regulations and Rates and Charges for Utility Service; and Providing an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Ratification of NPDES – Cycle 5 Year 6 Annual Report

Mrs. Adams presented the revised National Pollutant Discharge Elimination System (NPDES) Cycle 4 Year 7 Annual Report for ratification; this is necessary due to Bay Creek CDD’s lack of quorum at the last meeting. It was later noted by the District Engineer that the title of this agenda item is incorrect; the Report being ratified is the Cycle 4 Year 7 Annual Report.

Mr. Durney asked for the accounting figures supporting Section 4A of the NPDES Report.

On MOTION for Bay Creek by Mr. Janek and seconded by Ms. McVay, with all in favor, the Revised National Pollutant Discharge Elimination System (NPDES) Cycle 4 Year 7 Annual Report, was ratified.

JOINT BUSINESS ITEMS

ELEVENTH ORDER OF BUSINESS

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

Mr. Savage stated that the title of the Tenth Order of Business is incorrect; it is the NPDES Annual Report for Cycle 4 Year 7.

A. Discussion: Proposed Single-Family Residence at 3520 Fiddlehead Court Abutting District Lake C3

Mr. Savage stated that, as a courtesy, his office provided information about the drainage on the lot to the homeowner’s Landscape Architect. Since this is not a direct CDD matter, no further action will be taken unless directed by the Board.

Mrs. Adams stated that this matter originated from Mr. Cramer about surrounding drainage concerns where a new home is being built. She included it in the agenda to determine if the Board wants to expend funds for District Staff to research it further.

Board Members suggested that the Design Review Committee (DRC) advise the homeowner to obtain a survey to clarify elevation issues, to find out what the elevation for generators is supposed to be and review the permits with the City’s Building Department.

TWELFTH ORDER OF BUSINESS

Discussion Littorals on Lake A-6

Mrs. Adams asked if the Boards want to proceed with the Service Agreement to cut, remove and spray 35’ of Cana at Lake A-6 and replace it with 125’ of Spikerush. She noted that proceeding will set a precedent for future resident to make requests that are based on personal aesthetic preferences.

Discussion ensued regarding criteria for maintaining littorals.

On MOTION for Bay Creek by Mr. Janek and seconded by Ms. McVay, with all in favor, tabling the Superior Waterway Services, Inc. Service Agreement to cut, remove and spray 35’ of Cana at Lake A-6 and replace it with 125’ of Spikerush, was approved.

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Gravenhorst, with all in favor, tabling the Superior Waterway Services, Inc. Service Agreement

to cut, remove and spray 35' of Cana at Lake A-6 and replace it with 125' of Spikerush, was approved.

THIRTEENTH ORDER OF BUSINESS

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

Mr. Nott presented the monthly Treatment Report

• **Continued Discussion: Lake A-16 E-Coli Test Report**

Mr. Nott stated that the test results detected the presence of human E. Coli in Lake A-16.

Mr. Savage stated he will notify Bonita Springs Utilities (BSU) of the test results and determine if the four original model homes still have septic systems or if they were removed properly. It was noted that Mr. Kayne researched and confirmed that Lake A-16 is the final lake in a series of cascading interconnected lakes. Mr. Savage was asked to add the lift station at Canoe Park in his review with BSU..

The Boards agreed with Mr. McCarthy's involvement and attending meetings with Mr. Savage and BSU.

Mr. McCarthy provided Mr. Savage with a Pelican Landing resident email with suggestions about this matter.

FOURTEENTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

There was no report.

B. Colony Landscape Committee

The Colony Landscape Committee Report was included for informational purposes.

As Mr. Kemp activated the meter on the CDD account in response to the Cielo representative requesting the CDD repair lighting at their monument, Mr. Kemp stated he will work with HOA Management on correcting this, as it is the responsibility of individual HOAs.

FIFTEENTH ORDER OF BUSINESS

Update: Maintenance Site Deferred Maintenance Summary of Costs

Mr. McCarthy stated that he received the plans from the original Johnson Engineering Engineer yesterday, which will assist him in filing the application for the permit. He will provide monthly updates. He expects the Zoning permits and Development Orders process to take several months.

SIXTEENTH ORDER OF BUSINESS

Discussion/Consideration: Colony Street Lighting Items

Mrs. Adams presented the following and noted additional proposals are being obtained:

A. Proposal for Rehabilitation of Street Lights

I. Bentley Electric Co of Naples, Fl Inc. #24-498 [The Colony Streetlights]

II. Florida Painters [Exterior Painting of The Colony Streetlights]

Discussion ensued regarding reordering projects, starting with straightening, painting and then replacing. The Colony Board’s hope is to complete the project in a timely manner.

B. W.J. Johnson & Associates Report [Inspection of Roadway Street Lights]

This item was included for informational purposes.

SEVENTEENTH ORDER OF BUSINESS

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

There was no Year-End Financial Forecast this month.

EIGHTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2024

The Unaudited Financial Statements as of October 31, 2024 were included for informational purposes. Mr. McCarthy asked Mr. Adams to provide an update on Bayside CDD’s year-to-date non-operating revenues.

Discussion ensued regarding the Enterprise Fund 451 “Irrigation” Operating revenues budget.

The financials were accepted.

NINETEENTH ORDER OF BUSINESS

Approval of Minutes

A. October 28, 2024 Joint Regular Meeting

On MOTION for Bayside by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the October 28, 2024 Joint 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 Ms. McVay, with all in favor, the October 28, 2024 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

B. September 23, 2024 Joint Regular Meeting (Bay Creek)

This item was included on the agenda, due to the Bay Creek CDD’s lack of a quorum at the last meeting.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the September 23, 2024 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

TWENTIETH ORDER OF BUSINESS

Action/Agenda Items

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

TWENTY-FIRST ORDER OF BUSINESS

Old Business

There was no old business.

TWENTY-SECOND 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. Completion of the requirement will be noted when filing Form 1 in 2025.

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

I. Monthly Status Report: Field Operations

There was no report.

II. NEXT MEETING DATE: January 27, 2025 at 2:00 PM

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

All Bayside Supervisors confirmed their attendance at the January 27, 2025 meeting.

All Bay Creek Supervisors confirmed their attendance at the January 27, 2025 meeting.

TWENTY-THIRD ORDER OF BUSINESS

Supervisors’ Requests

Ms. Gravenhorst stated that she received a request for Mr. Adams to determine if the CDD is responsible for trimming and cleaning up areas by Cielo. She asked for that information to be emailed to Ms. Haber and Ms. Gravenhorst.

Mr. Janek asked who maintains the streetlights on Burnt Pine Drive. It was noted that the City maintains them. Mr. Janek stated funding to participate with the maintenance building was found.

Mr. Durney informed Mr. Kemp that the Christmas lights on the south entrance were not working.

Ms. Montgomery voiced her opinion that the main gate fountain is poorly lit. Mr. Kemp stated he will determine if they need to be replaced or cleaned.

TWENTY-FOURTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

No members of the public spoke.

TWENTY-FIFTH ORDER OF BUSINESS

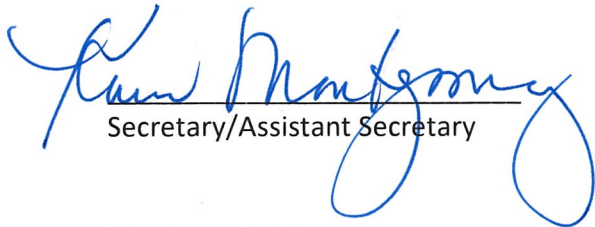
Adjournment

On MOTION for Bayside by Mr. McCarthy and seconded by Ms. Montgomery, with all in favor, the Bayside Improvement CDD meeting adjourned at 4:03 p.m.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the Bay Creek CDD meeting adjourned at 4:03 p.m.

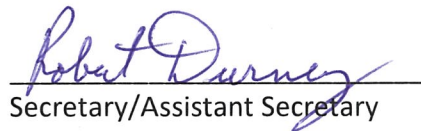
[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair