

**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 January 27, 2025 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
Gary Durney	Assistant Secretary
Jerry Addison	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Greg Urbancic	District Counsel
Wes Kayne (via phone/Zoom)	District Engineer
Frank Savage (via phone/Zoom)	Barraco and Associates
Paul Kemp	Field Manager
Jim Hoppensteadt	Pelican Landing General Manager
Bill Dietz	Resident & Pelican Landing Eco Club Advisory Group Member
Jack Lienesch	Resident
Dean Francis	Resident

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.

Mr. McCarthy stated that the Seventh Order of Business was removed from the agenda and that some agenda items will be taken out of order.

SECOND ORDER OF BUSINESS

Roll Call

For Bay Creek CDD, Supervisors Janek, Travers, Durney and Supervisor-Elect Addison were present. Supervisor McVay was not present.

For Bayside Improvement CDD, all Supervisors were present.

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

This item was presented following the Fifth Order of Business.

BAY CREEK CDD ITEMS

FOURTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors [Jerry Addison - Seat 1] (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. Jerry Addison. She and Mr. Urbancic reviewed the Sunshine Law, recordkeeping and public records requests and 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**

FIFTH ORDER OF BUSINESS

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

Mrs. Adams presented Resolution 2025-01. The slate is as follows:

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

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Addison, with all in favor, Resolution 2025-01, Electing and Removing Officers of the District and Providing for an Effective Date, was ratified.

- **Public Comments: Agenda Items**

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

Resident Bill Dietz distributed and read from a handout. He expressed his appreciation and thanks to everyone associated with quickly addressing contamination in Pond A16 in late December 2024. He asked for engineering or repair reports related to the sewer pipe failure to be posted on the CDD website and stated he hopes the failure was an isolated incident. He asked for the plans to be presented at a CDD meeting if this is determined to be a systemic condition requiring additional investigation, testing or monitoring. He recalled that, during the 2024 annual testing of the outfall ponds discharging into Spring Creek, Canal T1 and Pond A17 had bacteria levels that exceed the average Spring Creek 2024 bacteria levels. Now that the condition in Pond A16 is resolved, he recommends investigation and remediation of those two additional ponds. He stated that, at the January 20, 2025 Eco Club meeting, an attendee reported sewer odors at Pond D5, which he believes ultimately flows into the T1 Canal.

It was noted that Mr. Nott is not present today but his report is included in the agenda.

Ms. Montgomery asked for Mr. Dietz’s comments to be included in the next meeting agenda, under the Superior Waterway water testing, for discussion with the expert.

Mrs. Adams stated that two comment cards were submitted for non-agenda items. Resident Jack Lienesch asked for his comment to be heard now instead of later in the meeting.

There were no objections.

Mr. Lienesch distributed and discussed his email summarizing his notes from a meeting held in Waterside in November 2024, at which Mr. Adams and Mr. Kemp were in attendance. He noted commitments he believes the CDD made regarding the problem. He stated that, due to heavy pruning of the trees along the Peppermill Court berm, residents can now see into the properties across North Commons Drive. He thinks Mr. Adams advised that the CDD is attempting to create and maintain a tiered berm and that Mr. Adams noted that there are obvious gaps along the fence that need to be remediated. He thinks the arboricola plants at the fence should be encouraged to grow an additional 3' to 4' from the top of the fence to provide better screening. The undergrowth had deteriorated down to the mulch and Mr. Adams indicated they would consider planting shade tolerant ground cover much like along Pennyroyal. Finally, Mr. Adams noted that the large live oak and ficus trees need to be pruned to encourage mid-growth to fill out and provide better screening. Mr. Lienesch stated that he, Mr. Kemp and a representative from Johnson Tree inspected the area; they discussed the adjacent properties that had essentially turned into swamp and Mr. Adams stated the only trees he knew of that could survive in these conditions are cypress and the CDD could look into adding those to the landscape.

Mr. Adams stated that is an accurate depiction of their conversations and comments. The tree canopy reduction project will start in two weeks and, as the hedges are trimmed, the row next to the fence will be extended by 2' and the two subsequent rows down the berm will also be encouraged to grow. The Landscape Committee and the PLCA will need to evaluate their spots and determine what makes sense for plants, as that would be a capital reinvestment on a condition that has changed, and not plant replacement. The CDD will work with the Landscape Committee and the PLCA in this regard. The side to the west of Waterside is a conservation area; several years ago, the berm project reinstated the berm that was not redeveloped as each of the lots was developed. There is an opportunity to add additional wetland plants, cypress trees, etc., along that berm on the conservation side, which might be a future plan.

Mr. Adams discussed the areas in question, conditions of the area and possible plantings. He noted that EarthBalance maintains the area; there are no permitting requirements.

Resident and Long Lake Village HOA President Dean Francis asked to be shown the boundaries of the CDD's area of maintenance responsibility in Long Lake Village and voiced his

opinion that the GIS map is not very clear. He asked if the CDD is responsible for maintaining the entire berm. Mr. Adams stated it is not visible on the GIS map but, according to the written Agreement between the CDD and the HOA, the CDD maintains those areas.

Mr. Adams will provide Mr. Francis with a copy of the Agreement.

Mr. Francis stated that many arboricolos were lost and several areas are barren. He asked for Mr. Kemp to walk the area with him; in his opinion, irrigation is needed and Long Lake Village is willing to help. Mr. Francis will email Mr. Kemp about this.

Mr. Francis stated the corner is dark at night and asked if solar lights can be installed along the curb. Mr. Adams stated that is within the purview of their HOA and subject to approvals from the Master Association; the CDD only maintains the landscaping according to the Agreement.

Mr. Francis recalled that a large tree branch near the main gate broke but did not fall and was hanging over the sidewalk. Mr. Cramer called him about the safety hazard but, because it was 5:00 p.m. on Friday night, the CDD did not have anyone available to address it and asked Mr. Francis if he could call someone. Mr. Francis called Expert Landscaping and, although they were finished for the day, they had a crew on site within 15 minutes to remove the branch. The next morning, they chopped up the branch and hauled away the debris.

Mr. Cramer stated he planned to address this during Supervisors' Requests. He suggested an emergency number or group be established for such matters.

JOINT BUSINESS ITEMS

SIXTH ORDER OF BUSINESS

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

Mr. Kayne shared his screen via Zoom. He stated that he met with Palermo condo representatives on January 22, 2025 regarding their stormwater management system concerns. The building's stormwater collects from the roof runoff and an underground pipe system from other areas but the bubble-up structure in the conveyance path has been impacted by sedimentation, vegetation or hurricane debris and needs to be cleaned, as there is not a very positive outfall. He understands that some of the areas were recently cleaned in an effort to remedy the issue; however, it looks like the conveyance portion of the retention needs to be cleaned out and regraded to allow for the positive conveyance. He located the control structure; a bleeder exists on the box but it appears to be buried under vegetative debris that accumulated over time. On the inside of the control structure there is a concrete weir wall that should also

have a bleeder or orifice but it is buried in sediment or debris. The issues appear to be maintenance related. He recommends trying to restore positive conveyance from that bubble up structure to the control structure and that retention area for storage. He believes this area was used as a construction staging area for the development of Palermo; there is a wetland preserve to the north but it is mostly open space that has become vegetative over time.

Mr. Adams stated that Staff has taken some steps to clean up around the structure. A proposal was obtained for cleanup of the conveyance to the dry retention area, which measures approximately 260 linear feet, or slightly over one-tenth of an acre in total square footage. Referring to a map, he indicated the path of the water to Lake I-2, the natural lake in which mangroves are periodically trimmed. The cost for clean-out will be \$4,500.

Ms. Gravenhorst referred to an email from August 2018 related to Lennar’s need to evaluate a conveyance and asked if this has been going on since 2018. Mr. Adams replied no; the 2018 email is unrelated to the area in question.

Mr. Nicholson noted that Mr. Kayne has been the CDD’s longtime District Engineer liaison and, while Mr. Savage attended the last several meetings, a transition has not been discussed. He discussed communication delays and suggested that Mr. Adams meet with Mr. Barraco, as he thinks the CDD needs one point of contact at the District Engineer’s office.

Discussion ensued regarding the lack of response and delays in Mr. Kayne’s absence.

SEVENTH ORDER OF BUSINESS

Discussion: Littorals on Lake A-6

This item was removed from the agenda.

- **Eco Club December Meeting Summary**

This item, previously part of Item 9A, was presented out of order.

Ms. Montgomery discussed the formation of the Eco Club, which is to help the community become better stewards of the environment. The Eco Club Steering Committee and its 180 members of the organization are focusing on the water ecosystem this year. In January, Dr. Ernesto de la Vega, an expert from Lee County Hyacinth and Mosquito Control, was invited to give a presentation about the “Pond Watch” program and there was a good turnout of concerned citizens. She introduced Mr. Bill Dietz, who is managing the water sampling on a volunteer basis; the water samples go to the “Pond Watch” lab for analysis. She introduced Ms. Kathy Brenner, whose special interest is littorals and “no mow’ pond buffer zones.

Ms. Montgomery thanked Mr. Dietz and Ms. Brenner and noted that the Board is not doing this alone; residents in the community are organized and working to help the CDD to gather data to make informed decisions to help Estero Bay by improving the outfall water quality. She stated that it is an ongoing commitment; the organization will be expanded and the Eco Club organization would like to help the two Boards manage the water quality and littoral programs. She noted that conclusions and next steps are included in the agenda.

Mr. McCarthy expressed support for the program. Mr. Cramer stated that he appreciates the program and voiced his opinion that communicating and teamwork are the key.

EIGHTH ORDER OF BUSINESS

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

The monthly Treatment Report was included for informational purposes.

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

Mr. Adams stated that, at the last meeting, the results indicated that the source of the E. coli was not aviary; rather, it was human. The matter was immediately turned over to Bonita Springs Utilities (BSU), who found a “conflict box” inside of a storm drain pipe, for the sanitary sewer line for the original four model homes on a septic system. The pipe had developed a leak, which was draining into Lake A-16, which connects to Lake A-17. He believes that Lake A-15 might have had an issue too but it was not tested. At certain times of the year with high water levels, these three lakes might have some level of E. coli. BSU repaired the pipe quickly and water was tested daily to ensure that levels were within suitable standards. It was noted that the matter was addressed quickly. Asked if the issue could be systemic, Mr. Adams stated, while the sanitary system could develop leaks, in this case, the issue was that sanitary sewer was not available at the time of construction.

Mr. McCarthy stated that he inquired whether any other conflict boxes exist, and BSU advised that there are several; all were checked and are functioning properly.

Mr. McCarthy presented pictures of three dead pine trees on the lake bank. Mr. Kemp will request a proposal from Johnson. Mr. McCarthy asked for approximately 10 tall pine trees in the preserve to be evaluated, as he thinks they are a risk to neighboring homes, should they fall.

NINTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Mr. Hoppensteadt stated the PLCA is reviewing the Landscape Committee’s recommendations; the Finance Committee did not endorse them due to a lack of bids. Four bids are being requested. Staff advised that the best time to begin the landscaping projects will likely be July 2025. Mr. Adams will email photographs related to Mr. Lienesch’s request.

Mr. Cramer asked for the finger streets to be included. Mr. Hoppensteadt stated it is possible. Ms. Gravenhorst discussed the difficulty determining at what juncture the CDD replaces plants and when landscaping is considered a new design and suggested guidelines be defined. She noted that the Landscaping Committee must consider funding when scheduling projects.

Mr. Durney noted that landscaping is driven by availability of irrigation water. He recalled previous discussions about adding irrigation and stated it is difficult to plan plantings when irrigation is not available and weather is not conducive to plantings.

Ms. Gravenhorst discussed the impacts of drought on scheduling and plant longevity.

• Eco Club December Meeting Summary

This item was discussed following the Sixth Order of Business.

B. Colony Landscape Committee

The Colony Landscape Committee Report was included for informational purposes.

TENTH ORDER OF BUSINESS

Update: Maintenance Site Deferred Maintenance Summary of Costs

There was no update. Mr. McCarthy stated that he hopes to have the application for zoning completed by March 2025.

Mr. Adams was directed to proceed with electrical work, etc.

ELEVENTH ORDER OF BUSINESS

Continued Discussion/Consideration: Colony Street Lighting Items

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]

Mr. Adams stated that he, Mr. Bob Loos and Mr. John Watson discussed a different approach to the lights; rather than saving most of the poles and replacing only the heads, Florida

BAYSIDE IMPROVEMENT/BAY CREEK CDDS

January 27, 2025

Power & Light (FPL) is offering more residential lighting options. FPL is now open to removing the old lights, installing new lights and entering in to a 10-year Lease/Power Maintenance Agreement. He estimated a likely minimum of six months for the project and noted that the CDD would not own the poles. The monthly cost will likely be \$35 per pole, to be paid to FPL.

Mr. Cramer encouraged collaboration with the long-range planning committee, given FPL’s new residential offerings.

Mr. Nicholson noted that the original plan to repair or replace poles, as needed, was estimated at several hundred thousand dollars and asked if that is a capital outlay expense. Mr. Adams replied affirmatively. Mr. Nicholson asked if the second approach with the Lease/Power Agreement would be an annual expense, rather than capital outlay. Mr. Adams replied affirmatively; it would be a pay as you go expense.

Ms. Gravenhorst asked if there is currently a program to report lights that are out.

Mr. Adams stated that the roving Security Patrol can check the lights; every pole has an ID number on the side of it, so any member of the public can report when a light is out.

Mr. Adams stated that Staff members and property owners can report outages online. Mr. Kemp noted that the Customer Service Request Form populates directly to his phone; that is the fastest way to submit a request.

TWELFTH ORDER OF BUSINESS

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

Mr. Adams presented the Monthly Year-End Financial Forecast. A good portion of the tax assessment collections were received. He asked the Controller to move funds as follows:

- Bayside: Move \$900,000 from the General Fund into the ICS Account
- The Colony: Move \$600,000 from Truist Account into the ICS Account
- Bayside: Move \$300,000 from Enterprise Fund into the ICS Account
- Bay Creek: Move \$250,000 from the General Fund into the ICS Account

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2024

The financials were accepted.

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Travers, with all in favor, the December 9, 2024 Public Hearing and Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, the December 9, 2024 Public Hearing and Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

FIFTEENTH ORDER OF BUSINESS

Action/Agenda Items

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

SIXTEENTH ORDER OF BUSINESS

Old Business

There was no old business.

SEVENTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Urbancic stated he will continue monitoring the current legislative session; so far, nothing pertains to CDDs or Special Districts. A sweeping bill related to Chapter 720 was passed; however, that does not affect the CDD, it only applies to Chapter 720 Community Associations.

Mr. Cramer thinks there is a need to discuss the possibility of migrant deportations. Mr. Adams stated that, while all staff members comply with E-Verify, an issue could occur if there is a labor deficit in the area. Mr. Kemp stated that all open positions are filled; staff members feel secure and he has no reason to believe anyone’s feelings have changed. Mr. Urbancic noted the need to continue documenting the I-9 and E-Verify requirements. Documents will be provided in a timely manner in the event of an audit or a raid; his firm will assist, as necessary.

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

I. Monthly Status Report: Field Operations

Mr. Adams stated that the Annual NPDES Report identified the need for a final audit and a tour; he will compile the necessary files and upload them. The tour will be in March 2025.

Mr. McCarty asked for the water management permit drawings to be scrutinized and the inventory including outfalls, drainage areas, etc., added to the GIS map.

II. NEXT MEETING DATE: February 24, 2025 at 2:00 PM

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

All Bayside Supervisors confirmed their attendance at the February 24, 2025 meeting.

Bay Creek Supervisors Travers, Janek and Durney confirmed their attendance at the February 24, 2025 meeting. Supervisor Addison will attend via telephone.

EIGHTEENTH ORDER OF BUSINESS

Supervisors' Requests

Mr. Adams responded to questions regarding the ICS Sweep Account.

Mr. Janek voiced his opinion that the fence line needs attention. Mr. Adams stated that it was inspected this morning. Mr. Kemp stated crews were advised not to trim below the fence.

Mr. Travers expressed his opinion that the palmettos near the circle need to be cut back.

Mr. Durney thinks the Bougainvillea at the south entrance need trimming.

Mr. Nicholson stated he expects the February meeting to be his last meeting.

Mr. Cramer asked Mr. Adams to speak with Jason about adding hazard lights to all lawn mowers and oversize vehicles.

Ms. Montgomery stated that Mr. Michael Masenbrink, who was unable to attend today, would like to know if the B-6 aerator was removed or needs to be repaired. Mrs. Adams stated the B-6 aerator is being repaired.

NINETEENTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

No members of the public spoke.

TWENTIETH ORDER OF BUSINESS

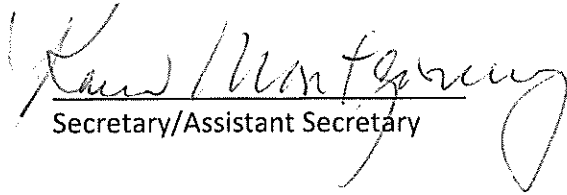
Adjournment

The meeting adjourned at 3:43 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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

January 27, 2025


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair