

**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 February 24, 2025 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 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
Mary McVay	Assistant Secretary
Jerry Addison (via phone/Zoom)	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Greg Urbancic (via phone/Zoom)	District Counsel
Wes Kayne (via phone/Zoom)	District Engineer
Paul Kemp	Field Manager
Andy Nott	Superior Waterway
Don Hulgass	Palermo Building Manager
Jim Hoppensteadt	Pelican Landing General Manager
Bill Dietz	Resident & Pelican Landing Eco Club Advisory Group Member
Anne Cramer	Resident
Other residents	

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 some agenda items will be taken out of order.

SECOND ORDER OF BUSINESS

Roll Call

For Bayside Improvement CDD, all Supervisors were present.

For Bay Creek CDD, Supervisors Durney, Janek, McVay and Travers were present. Supervisor Addison was not present at roll call.

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

Resident and Pelican Landing Eco Club Advisory Group Member Bill Dietz deferred his comments to the Sixth Order of Business.

FOURTH ORDER OF BUSINESS

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

Mr. Kayne stated that he, Mr. Adams and the Co-Permittees attended the County meeting about the upcoming final audit of the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems Annual Report for Cycle 4 submitted in October 2024. County confirmation of the on-site audit date is pending. It is should be next week; he, Mr. Adams and District Staff will attend. Mr. McCarthy asked Staff to provide updates.

Mr. Adams explained the audit process.

Mr. Cramer asked for an update on resolving Palermo’s drainage issues. Mr. Kayne stated he sent Mr. Adams a memorandum about clearing and grading work to be done. Mr. Adams stated that the cleanup of vegetative debris is complete; the next step is to give a benchmark to the contractor for a quote that ensures the slope is towards the dry retention area (DRA). He expects the project to be completed in March.

In response to a question, Palermo Building Manager Mr. Don Hulgus stated that everyone is happy with the progress so far but he thinks better communication from the CDDs is needed, so he can update his board accordingly.

FIFTH ORDER OF BUSINESS

Treatment Report: January 2025 - Superior Waterway Services, Inc. (Andy Nott)

Mr. Nott presented the monthly Treatment Report.

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

The Report was included for informational purposes.

This item will be removed from future agendas.

SIXTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

Mr. Hoppensteadt stated the Landscape Committee proceeded with landscaping the two circles in the interior of the community and deferred the Pennyroyal berm project until the weather is conducive to planting and that area can be irrigated. Mr. Cramer asked if the project included the finger streets. Mr. Hoppensteadt replied no. He encouraged bringing issues to the Landscape Committee. Ms. Gravenhorst stated that she resigned from the Committee but she encourages other CDD Board Members to consider applying.

Mr. Hoppensteadt reviewed the Committee’s capital program and work with Omega Consulting on the specifications. A request for funding for surveyor fees to help determine the slopes that might be necessary for each project will be presented.

Supervisor Addison joined the meeting at 2:15 p.m., via telephone.

Mr. Hoppensteadt responded to questions regarding the project timeline, the objective to obtain one set of permits, improvement costs and confirming that the program covers both CDDs, along with finding a solution to the bollards on Pelican Nest Drive.

Mr. Cramer stated that communication with District Staff or CDD Board Members is imperative to ensure CDD improvements are not damaged during the projects.

B. Eco Club Committee

- **Pond Water Quality Monitoring**

Mr. Dietz stated that Committee Members were split into teams and tasks; the Committee has engaged with the Pond Watch Organization from of Lee County.

Mr. Dietz distributed and presented the Calusa Waterkeeper and Lee County Spring Creek 2024 Enterococci Bacteria Sampling Results. Lee County’s samples are taken at the Kayak Park and at the junction of US 41 and Spring Creek. He suggested testing Canal T-1 and Pond A-17 since the Report indicates high bacterial levels exceeding the average Springs Creek 2024 bacterial levels. Dr. James Douglass, of Florida Gulf Coast Water School, will attend the Eco Club Committee meeting on Friday February 28, 2028; he encouraged others to attend.

Mr. Janek stated that he observed animals in the preserve area and thinks the rain is washing animal waste into Spring Creek. Mr. Durney thinks it is difficult to locate where the source is originating from, unless samples are taken independent of the tidal effect.

Mr. McCarthy presented Mr. Dietz’s email asking to post the Bonita Springs Utilities (BSU) Sewer Pipe Repair Report associated with Pond A-16 on the website. The District Engineer advised that BSU found no other irregularities within Pelican Landing. He stated they should expect odor from the D-5 irrigation holding pond. He disagreed with Mr. Dietz about testing sites and suggests conducting tests at Canal T-1’s inflow and discharge area; he did not think further testing at Pond A-17 is needed and believes the septic systems are causing the bacterial levels. Mr. Nott will provide a proposal to perform two tests for E. coli at Canal T-1 for the next meeting.

Discussion ensued regarding Board Member comments about determining when materials age out, initiating a small work group rather than inviting the PLCA Board to a CDD meeting and opinions that this is a Staff function not a Board function.

Ms. Montgomery asked for Mr. Kemp’s input. Mr. Kemp stated that, although the PLCA and the Colony Foundation Board (CFB) have the same contract, each interpret it differently. He finds it easier to work with the PLCA than the CFB.

On MOTION for Bayside by Ms. Gravenhorst and seconded by Mr. Cramer, with Ms. Gravenhorst, Mr. Cramer and Mr. Nicholson in favor and Mr. McCarthy and Ms. Montgomery dissenting, inviting the newly elected PLCA Board to identify the responsibilities that require clarification so that proper budgeting can occur for both parties during April, was approved. [Motion passed 3-2]

Mr. Addison was disconnected from the meeting at 2:58 p.m.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Janek, with none in favor, inviting the newly elected PLCA Board to identify the responsibilities that require clarification so that proper budgeting can occur for both parties during April, was not approved.

Mr. McCarthy read a portion of Ms. Deenihan’s memorandum, as follows:

“I think it is critical that the CDD begin to utilize the resources of a horticulturist.”

Mr. McCarthy stated he is in favor of this and it is in the CDD budget.

Discussion ensued regarding sourcing a new horticulturist, Mr. Kemp obtaining professional advice and guidance about troubled areas from Lee County approved horticulturists listed on the Florida Agricultural website, contacting Mr. Rick Joyce and Mr. Adams and Mr. Gravenhorst working on an agenda and identifying all ongoing issues prior to inviting the PLCA Board to a CDD meeting.

C. Colony Landscape Committee

The Colony Landscape Committee Report was included for informational purposes.

SEVENTH ORDER OF BUSINESS

Update: Maintenance Site Deferred Maintenance Summary of Costs

Mr. Adams presented the Maintenance Site Deferred Maintenance Summary of Costs that outlines projects, such as painting exterior building, etc.; removing the HVAC system in maintenance area; removing and replacing existing lighting with LEDs and installing a ceiling fan, which are all underway, while deferring milling, repaving and restriping the parking lot and miscellaneous concrete repair projects until zoning and permit approvals are received.

Mr. McCarthy stated he completed the application and the plan to construct a 20’ x 80’ garage type structure; however, it requires a certain site plan that is out of his scope. He provided receipts to Mrs. Adams for reimbursement. He listed other requirements and pitfalls of the project that resulted in suggesting another alternative with regard to sheds.

This item was deferred.

EIGHTH ORDER OF BUSINESS

Continued Discussion/Consideration: Colony Street Lighting Items

A. Proposal for Rehabilitation of Street Lights

Mr. Adams stated that he expects to receive the Florida Power & Light (FPL) proposals for new decorative LED poles today or tomorrow. He recalled that the Colony President and Mr. Watson discussed proceeding with a 10-year Lease/Power Maintenance Agreement with FPL, due to the age of the community.

Discussion ensued regarding the status of changing lighting for consistency, Bentley Electric ensuring that all entrance monument lights are uniform, The Colony having to exhaust the FPL option before it can consider returning to the original plan to repair or replace poles, giving FPL a mid-March deadline to respond before proceeding with the original plan and a suggestion to consider transitioning the entire community’s lighting to FPL.

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

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

These items were included for informational purposes.

NINTH ORDER OF BUSINESS

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

The Monthly Year-End Financial Forecast was emailed and distributed.

TENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2025

Mr. Adams presented the Unaudited Financial Statements as of January 31, 2025. He responded to questions regarding Bay Creek’s \$19,374 pump house roof repair expense, reconciling the assessment levy figures, obtaining clarification of the \$30,272 in “Undeposited Funds” on the Balance Sheet and a suggestion to fund the finger street landscape projects with the interest earned from the Insured Cash Sweep (ICS) account. Mr. Nicholson asked Mr. Adams to check the Monthly Year-End Financial Forecast Report as The Colony’s “Contractual Services – Light Poles” budget shows zero for the first three months.

The financials were accepted.

ELEVENTH ORDER OF BUSINESS

Approval of January 27, 2025 Joint Regular Meeting Minutes

On MOTION for Bay Creek by Mr. Durney and seconded by Ms. McVay, with all in favor, the January 27, 2025 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 Ms. Gravenhorst, with all in favor, the January 27, 2025 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

TWELFTH ORDER OF BUSINESS

Action/Agenda Items

Mrs. Adams stated she updated the Action Items list prior to 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 stated he will monitor several bills in the current legislative session and will provide updates of anything that might affect CDDs.

Ms. Gravenhorst asked if Board Members should take the same online course when completing the four hours of ethics training that is required annually. Mr. Urbancic stated there are no new updates. He will update his original memorandum to include other online courses and email it to Mrs. Adams to distribute to the Boards.

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

Mrs. Adams stated the Phase 2 inspections with MRI is scheduled for March 17, 2025.

I. Monthly Status Report: Field Operations

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

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

Bayside Supervisors Montgomery, Gravenhorst, McCarthy and Cramer confirmed their attendance at the March 24, 2025 meeting. Supervisor Nicholson might attend via telephone.

All Bay Creek Supervisors confirmed their attendance at the March 24, 2025 meeting.

FIFTEENTH ORDER OF BUSINESS**Supervisors' Requests**

Mr. Travers asked for an update on trimming the Kayak Park palmettos. He spoke about a recent truck going the wrong way.

Ms. Gravenhorst voiced her opinion that the annuals are unsightly and asked if costs come out the CDDs' plant replacement budget. Mr. Adams replied affirmatively. She recalled that the rotation schedule was reduced to twice of year. Ms. Gravenhorst asked Mr. Adams to include three rotations in the proposed Fiscal Year 2026 budget. Regarding the GIS map, Mr. Adams stated the vendor is currently updating the GIS map.

Mr. Travers and Mr. Hoppensteadt discussed a conversation about requesting funding from the Finance Committee to augment the retention basins at the tennis center and making sure the CDDs are involved in the process.

Mr. Travers suggested, and Mr. Hoppensteadt agreed to speak to the golf course about installing flashing lights and maintenance vehicles driving on PLCA roadways, as it is not a CDD matter.

Ms. Montgomery read an email from Bonita Bay, as follows:

"A group of Bonita Bay residents are starting to explore ways to prevent storm surge damage from a future "Hurricane Ian" or a worse storm. The idea of each high rise or the Colony or other communities along the bay doing this independently does not seem wise. The emerging concept is to construct a berm from Coconut Row south to Bonita Beach Road along the mangrove, west of the high rises and golf courses, along the water control gates that the Imperial River Spring Creek and others may access. Any low elevation sections of Coconut Row and Bonita Beach Road from the berm to I-75 would be raised so there would be a three-sided boundary protecting much of Bonita Springs and parts of Estero inside this area. Currently, the discussion for the berm are to be 14' above _____ sea level. So, we are talking about rising sea levels, storms that are getting worse and how we can begin to protect dangerous low-lying areas. If implemented, the concept would protect a large amount of Bonita Springs east of U.S. 41, as well as Pelican Landing, The Colonys, Spring Creek, Bonita Bay and other communities west of U.S. 41. The implications for risk reduction, property values, real estate attractiveness and flood water insurance rates could be huge. We mostly had discussions among residents with some engineers and City leaders; overall I think implementing the idea will be complex but not impossible. Similar

types of flood and storm berms and gates have been built in many other places and I am well aware I did some independent research years ago on what Miami was doing regarding their resiliency plans and even posted on their City website. the invitation, we would like to meet with some leaders of the Bayside and Bay Creek CDDs to learn what they are thinking/doing regarding storm surge risk and mitigation and to discuss the berm concept and get reactions. Are there a couple/few including you, Ms. Montgomery, who would be interested in meeting with a few of us Board May 1st discussion. We have good flexibility on dates, mid-afternoon start times to accommodate peoples' calendars."

Ms. Montgomery thinks this is a pro-active approach and volunteered to attend the meeting. Mr. Durney suggested asking the City or County to involve the Army Corps of Engineers in order for this to be successful. Mr. McCarthy asked Ms. Montgomery to provide a report after the meeting.

Mr. McCarthy stated he received a complaint from Waterside about visibility of the buildings and about nighttime lighting. He inspected and agrees there is an issue. Mr. Adams will inspect and prepare and present a plan to install a landscape buffer adjacent to Pepper Mill.

SIXTEENTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

Resident and Lilac Committee Chair Ms. Anne Cramer expressed frustration about what she thinks is a poor response by the CDD and the PLCA Landscape Committee to repeated requests from multiple parties to address the circles "adjacent cul-de sacs" over the course of two years. Mr. Adams and Mr. Hoppensteadt spoke about the decision to look into another redesign and the Committee working on a prioritized list of circles. Mr. Adams was directed to inspect the area today, determine where replacement is needed and determine a funding source and present options, if any, at the next meeting.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

The meeting adjourned at 4:23 p.m.

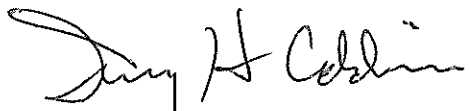
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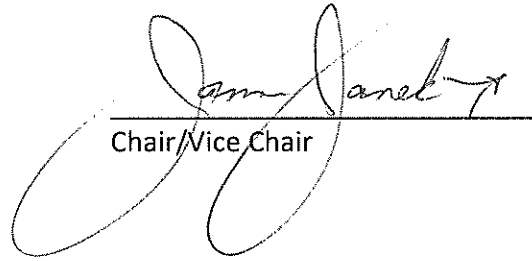
FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair