

**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 will hold a Joint Regular Meeting on March 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 (via phone/Zoom)	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	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
Paul Kemp	Field Manager
Andy Nott	Superior Waterway
Jim Hoppensteadt	Pelican Landing General Manager
Bill Dietz	Resident & Pelican Landing Eco Club Advisory Group Member
Bruce Turner	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.

**SECOND ORDER OF BUSINESS**

**Roll Call**

For Bay Creek CDD, all Supervisors were present.

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

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

Mr. McCarthy stated the Eighth Order of Business will only provide an update regarding Colony street lighting; Items 8A and 8B will be stricken. Item 9 is to be deleted from the agenda, as it does not pertain to either CDD.

**THIRD ORDER OF BUSINESS**

**Public Comments: Agenda Items**

No members of the public spoke at this time.

**FOURTH ORDER OF BUSINESS**

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

Mr. Kayne stated a survey crew staked the portion of the Palermo detention/conveyance area at the bubble-up structure. He thinks contractors were regrading that portion at the same time. Pictures of completed work were received. The area will be inspected within the next two days to check elevations and ensure that all work complies with the plan approved by the South Florida Water Management District (SFWMD). The annual sluice gate conservations are due May 1, 2025; work is scheduled this week for that and the Palermo observation will be done at that time, or possibly before. Results will be provided as soon as they are complete.

Mr. Cramer asked if anyone from the PLCA contacted Mr. Kayne or his firm to investigate any of the surface water management issues in or around the tennis courts. Mr. Kayne stated nobody contacted him in this regard.

**FIFTH ORDER OF BUSINESS**

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

Mr. Nott presented the monthly Treatment Report. Water levels are down and water temperatures are increasing; as expected, algae and submersed weeds increased. Follow-up treatments will be applied, as necessary. In addition to regular visits, a five-person crew continually maintains littorals and lake banks so technicians can focus on waterways. Mr. McCarthy stated the A lakes do not have littorals and asked for the report to be updated.

- **T-1 E-Coli Test Results**

The Report was included for informational purposes.

Mr. Nott stated that two samples were pulled, one from the north end and one from the south end. Levels are very low; nothing is out of the ordinary and the reading from the south end was low enough to be considered undetectable. Samples will be taken during the rainy season.

Discussion ensued regarding the locations from which samples are taken as shown on the map, locations of the weirs, stagnation and low water flow.

**SIXTH ORDER OF BUSINESS**

**Committee Reports**

**A. Eco Club Committee Report: Pond Water Quality Monitoring**

Mrs. Adams distributed a handout provided by Ms. Montgomery.

Ms. Montgomery stated she previously informed the Boards about the Eco Club’s ongoing focus on water quality. She stated Dr. Douglass, of the FGCU water school, spoke recently and it followed a Lee County speaker’s January discussion of water quality, which heightened interest in water quality. Several people represent the organization; in the recent issue of Pelican Landing Life, an article titled “What’s in the Water at Pelican Landing” was provided by the Club. She would like to read the article and stated that Mr. Bill Dietz would like to speak.

Resident Bruce Turner expressed concern about vegetation, including spikerush being sprayed. He thinks littorals should be protected for the sake of fish and birds.

Mr. Nott stated spikerush is reduced when it extends 20’ to 30’ into the water but spikerush on the lake bank is not treated on purpose. It can die out naturally when water recedes, or due to damage when selective herbicides are used to treat grasses, broad leaves or vines on the lake banks. When water levels increase, spikerush on the banks will grow back; all beneficial littoral growth is encouraged and supported.

Resident Bruce Turner, who lives on Lake C-4, thinks all lakes need more vegetation and diversity. Mr. Nott will inspect the area and present a summary report at the next meeting.

Mr. McCarthy stated, in recent years, Lake C-4 residents complained about littorals extending from bank to bank; complaints are about too much rather than too little. It was noted that the CDD has been maintaining littorals within the guidelines for the permit for quite a while.

Ms. McVay believes the littorals on her lake vanished due to saltwater intrusion following Hurricane Ian and cannot be replanted due to salinity.

Ms. Montgomery affirmed the CDD's active efforts to increase littorals in the ponds and noted concern about the extent of spraying. In her opinion, applying the minimum amount required seems to be a wise approach.

Creekside Crossing resident Bill Dietz appreciated testing of Canal T-1. He recalled discussion about the breadth of samples and stated, per the Lee County laboratory, there is no funding for more testing. Per the Bonita Springs water steward, they test five locations in Spring Creek for nutrients; once he receives and evaluates the data, he will share it. Five volunteers are performing random testing in Pelican Landing ponds and some ponds that are tested every month. He distributed the results. Asked if bacteria levels in Spring Creek changed, Mr. Dietz stated the level fluctuates, especially in the rainy season. He believes it was 110 last month and it has not exceeded 150 lately, and that the safe norm is 70.

Mr. McCarthy stated he takes offense to the Pelican Landing Eco Club email with the subject "Polluted Ponds at Pelican Landing". He believes that other than the Lake A-16 issue, there has been no pollution. He expressed concern about the attached document from the PLCA newspaper that states, "unfortunately many of our ponds exceed the Florida Department of Environmental Protection's maximum levels" and stated that he challenges that as incorrect; there are no established levels for retention ponds. He appreciates resident interest in CDD activities but thinks there is a misconception that extensive spraying occurs. He asked Mr. Nott to make the reports more accurate so they do not give the wrong impression. He stated that Dr. Douglass' recommendation to "stop cutting the grass within at least five feet of the ponds' edge" came up numerous times but it is beyond the CDD's authority to address. He thinks Dr. Douglass would have been better off directing his comments to the City, as this would probably require an Ordinance by a municipality and hiring Code Enforcement to ensure compliance. The PLCA could possibly address this via a requirement within its codes, given the need to address individual property owners, the HOAs, the Condo Associations and the Golf Club. He does not think they will be successful. He asked for this not to be brought to the CDDs again because the CDDs cannot do anything to help. Regarding the statement in the email that "The Eco Club would like to

encourage the CDDs to adopt a more natural method of pond management.”, he stated that he addressed the Boards about it years ago. He described Mr. Bill Kurth’s efforts as the initial contractor to remove chemicals from treatment, the thick algae on Lake A-2 when he joined the Board and Mr. Andy Nott’s current Sonar® treatments of submersed weeds, with no apparent damage as far as he knows. Sonar® brought the algae under control and reduced the need for algae treatments. There is a balance between maintaining proper appearance and managing the treatments. He takes offense to the comments in the article and asked that the Eco Club restrain themselves from making unfounded comments that damage the CDDs’ good reputation.

Mr. Cramer stated the CDDs work as a team and Staff should work with the Chairs and District Management to improve communications about CDD operations.

Mr. McCarthy finds the call to action in the email, which states, “If there is enough interest as a group we may be able to convince the CDD to make some changes.” very offensive. It takes just a call to him for an issue to be addressed. He stated a Greens Committee Member at The Nest asked why there are no littorals on most of the lakes on the golf course. Most of those lakes are “A” lakes and most cannot grow littorals because of the attenuation of the lake. Due to the slope, the area is sometimes dry and sometimes wet, and a littoral shelf is needed for planting. He asked for Lake A-16 to be inspected. Mrs. Adams stated that an Action Item was added.

Regarding a question about the odor where recycled water is taken in at US-41 and Greenview Drive, Mr. Janek stated the odor is not caused by pollution. Bay Creek sells the water, which is used for irrigation. Mr. McCarthy noted that Lake D-5 is an irrigation lake for effluent water from the sewage treatment plants in Bonita Springs.

**B. PLCA Landscape Committee: Presentation of Request for Fund for Surveyor Fees to Determine Slopes**

Mrs. Adams distributed the “PLCA/CDD forum items” handout.

There were no comments or questions.

**C. Colony Landscape Committee**

The Colony Landscape Committee Report was included for informational purposes.

Mr. Adams stated that a Horticulturalist was identified but not yet engaged and the PLCA is engaging a Landscape Architect. Mr. Hoppensteadt stated that two proposals were submitted for the Pennyroyal berm; they are evaluating the slope to see if it is too steep to maintain nutrients and soil conditions. Mr. Adams stated a plan for cul-de-sacs in the Pennyroyal area will be updated and implemented in June or July, when the rainy season starts.

Mr. Cramer stated many are concerned about the Pennyroyal berm; the Landscape Architect that designed it is willing to come out but a Request for Proposals (RFP) is needed. The Landscape Architect designed the community 35 years ago and has all the data and records regarding slope, etc. Ms. Gravenhorst noted that the original designer is deceased.

Ms. McVay stated that Pelican Nest Drive has blank spaces where bushes died. She does not believe mulch is a feature. She noted 10' stretches of mulch in some areas and voiced her opinion that, if one part of the community is done, all areas should look good; however, that would be the responsibility of the PLCA.

Mr. Adams stated that Mr. Kemp is working with the Landscape Committee with regard to Peppermill. They discussed installing a hedge of native sea grape shrubs instead of clusters of sabal palms. Mrs. Adams stated sea grapes tolerate salt water.

Ms. Gravenhorst stated the Landscaping Committee received a request from Spring Creek Village to address an eyesore at the swimming pool area and the bright lights for the park behind Bay Creek and asked how such projects should be prioritized.

Discussion ensued regarding the lights and noise.

Mr. Durney stated the issues were directed to the Landscape Committee. The areas of concern appear to be on the perimeter of the property, such as the Greenview and Pennyroyal berms, and privacy seems to be the area of most concern. The Landscape Committee is aware of the concern but is constrained by resources. He suggested concerns be brought up to the PLCA Board in the hopes that more resources will be allocated. His understanding is that high visibility areas, such as monuments and the south entrance gate, were prioritized.

Directing the CDD's efforts to the Peppermill issue, the futility of pursuing the noise ordinance and the damage on Bay Cedar Drive following hurricanes, were discussed.

Mr. Adams stated additional Ficus will be removed now that the Clusia has grown; it will allow the Clusia to grow taller to be a better buffer. It was noted that it will take several rainy seasons to flush the salt out of the soil. Regarding CDD or PLCA responsibility, Mr. Adams stated replacement of the Clusia hedge several years ago was before the current Agreement with the PLCA. He thinks the Landscape Committee looked at the Bay Cedar buffer and it should be looked at by the PLCA, with Pelican Landing eventually providing some additional plant material.

Discussion ensued regarding replacement of the Ficus with Clusia, removing Ficus with a backhoe, slow growth of Clusia, possibility of adding plantings and being fair in addressing the community's needs.

Mr. Adams stated his understanding that the Landscape Committee and the PLCA are focusing on these areas. It is a matter of getting these areas and the cottages berm, exterior at Waterside, exterior at Bay Cedar and exterior at 41 on the priority list. He thinks Mr. Kemp is discussing the perimeters with the Landscape Committee and the areas of concern will rise to the PLCA.

Mr. Durney stated the priorities will need to be shared with the Landscape Committee so the budget can be prepared and approved. Mr. Hoppensteadt stated Mr. Durney’s comments were noted and the PLCA has numerous issues to prioritize, including sidewalks, storm drains, roadways, pavers, etc. He thinks a consultant can conduct surveys and focus groups to prioritize projects. He will work to get a landscape or perimeter line item inserted into the replacement reserve budget. He noted that all have good intentions but a funding mechanism is needed.

**SEVENTH ORDER OF BUSINESS**

**Update: Maintenance Site Deferred  
Maintenance Summary of Costs**

Mr. Adams stated that work on three of the four items commenced last month. The building, the permitted wall and the signage in front were all pressure washed and repainted. Next week, Bentley Electric is anticipated to perform lighting upgrades in working areas and install high volume fans. The HVAC workers will return to remove the remaining materials. Mr. Willis is finalizing the numbers for paving and concrete in staging areas. All deferred maintenance is expected to be completed in 30 days. Mr. Willis is sourcing sheds; a shed to be strapped to the asphalt is anticipated to be procured in the next 30 days. Landscaping will be restored following repaving the area. Construction is progressing nicely.

**EIGHTH ORDER OF BUSINESS**

**Continued Discussion/Consideration:  
Colony Street Lighting Items**

**A. Proposals 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 the items he submitted are not in the agenda; the information in the agenda was presented previously. He presented a spreadsheet with the following options:

- Option 3: The Florida Power & Light (FPL) option includes the lease, which would net out \$6,000 per year for electrical costs. \$66,000 per year for ten years totals \$660,000. The cost for

FPL to dispose of the existing would total \$170,000 and, without design, the estimated cost for new power and conduit is approximately \$500,000, eliminating the FPL option.

- Option 2: Replacing all the heads and straightening and replacing all 11 poles included in the original option totals approximately \$330,000.
- Option 1: The original proposal totaling \$135,345, the amount budgeted against, is recommended by Bob Loos, considering the cost.

Mr. Adams stated Option 1 will likely be completed during the summer.

**On MOTION for Bayside by Ms. Gravenhorst and seconded by Ms. Montgomery, with all in favor, Option 1, Bentley Electric Co of Naples, FL Inc. Proposal #24-498 for The Colony Streetlights, in a not-to-exceed amount of \$135,345, was approved.**

**NINTH ORDER OF BUSINESS**

**Discussion: Estero River Update**

This item was deleted from the agenda.

**TENTH ORDER OF BUSINESS**

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

The Monthly Year-End Financial Forecast was distributed.

**ELEVENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements**

**A. As of January 31, 2025**

Mr. Adams stated that Item 10A was accepted at the last meeting.

**B. As of February 28, 2025**

Mr. Adams distributed Year-End Financial Forecast sheets and noted that the Bayside variance will disappear when the formulas are corrected. The interest rate on the ICS accounts, which started at 4.75%, has fallen to 3.66%.

Discussion ensued regarding the option of purchasing Treasury Bills and the need for liquidity. Mr. Adams will research it and advise.

Mr. Adams stated the Lee County Tax Collector fee increased from \$1.50 to \$2.00 per parcel. The budget will be amended accordingly.



The financials were accepted.

**TWELFTH ORDER OF BUSINESS**

**Approval of February 24, 2025 Joint Regular Meeting Minutes**

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the February 24, 2025 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.**

**On MOTION for Bayside by Ms. Gravenhorst and seconded by Ms. Montgomery, with all in favor, the February 24, 2025 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.**

**THIRTEENTH ORDER OF BUSINESS**

**Action/Agenda Items**

This item was not addressed.

**FOURTEENTH ORDER OF BUSINESS**

**Old Business**

There was no old business.

**FIFTEENTH ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Urbancic stated he is monitoring bills in the current legislative session and will provide updates on matters that might affect CDDs. He will update his original memorandum to include other online courses for the ethics training requirement and email it to Mrs. Adams to distribute.

Mr. McCarthy asked Mr. Urbancic to review the Sunshine Law regarding meetings and email. Mr. Urbancic stated that the general law is that two or more members of the same body cannot have communications on a subject matter that is or might reasonably or foreseeably come before the Board for action, discussion or deliberations. The restrictions pertain to email, text messages, direct messages, face to face conversations, phone calls, intermediaries, etc.

Discussion ensued regarding scenarios and ways to avoid violations.

Ms. Gravenhorst recalled a motion at the last meeting to invite the newly elected PLCA Board Members to a meeting to discuss some items. It was suggested that Board Members suggest some topics. She wanted to share her topics, and she feels that today's discussion regarding what is happening in Bay Creek would be a good topic for discussion.

Mrs. Adams stated that the Bayside motion to invite the newly elected PLCA Board Members to the April meeting passed 3-2, and the Bay Creek motion was not approved.

It was noted that the new PLCA Board will be elected this week.

Ms. Gravenhorst expressed concern that there will not be much time at the April meeting.

The consensus was to schedule the discussion at the end of the May meeting and adjourning the meeting so that Bay Creek Board members can leave. Following the PLCA election, Mr. Adams will invite the new PLCA Board to the May 2025 meeting to meet with Bayside.

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

**I. Update: Circles “Adjacent Cul-de Sacs”**

**II. Update: Installation of Landscape Buffer Adjacent to Pepper Mill**

**III. Monthly Status Report: Field Operations**

**IV. NEXT MEETING DATE: April 28, 2025 at 2:00 PM**

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

Bayside Supervisors Nicholson, Gravenhorst, McCarthy and Cramer confirmed their attendance at the April 28, 2025 meeting. Supervisor Montgomery might attend via telephone.

Bay Creek Supervisors Addison, Travers, McVay and Durney confirmed their attendance at the April 28, 2025 meeting. Supervisor Janek might attend via telephone.

**SIXTEENTH ORDER OF BUSINESS**

**Supervisors’ Requests**

Mr. Durney questioned the low amount deducted from the Enterprise 451 fund for Supervisors fees. Mr. Adams stated that the current month’s expense seems low because the expenses are paid from multiple line items.

Ms. McVay stated that one of her neighbors asked why there are several dead trees in the Bay Creek island. She asked why the fire bush in the center died and stated that residents are concerned about dead oak trees. Mrs. Adams stated that is an Action Item.

Mr. Kemp stated that he met with Mr. Marty McGee at the first circle in Bay Creek, which has always been treated as a natural area because it is 4’ deep in the middle. It is populated with sand oaks and palmettos with fire bush around the edge; the area is maintained and some dead sand oaks were removed. Mr. McGee asked why the trees were not replaced. Mr. Kemp advised that, while the area is maintained, plant for plant replacements are not done in that area. Ms.

McVay stated the fire bush were cut too short, died and were removed. Mr. Kemp stated anyone wanting their circle re-landscaped should call the MCA.

Mr. Cramer discussed the importance of communications. He stated the Annual Meeting agenda came out and he thinks the CDDs should be mentioned in the agenda, as it is the CDDs’ responsibility to provide information about what the CDDs are doing. Mr. Adams stated he was invited to speak at the meeting but he is unable to due to a prior commitment; however, one CDD Board Member could volunteer.

**SEVENTEENTH ORDER OF BUSINESS**

**Public Comments: Non-Agenda Items**

No members of the public spoke.

**EIGHTEENTH ORDER OF BUSINESS**

**Adjournment [Bayside Improvement CDD]**

The meeting adjourned at 3:47 p.m.

**BAY CREEK BUSINESS ITEM**

**NINETEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2025-03, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; and Providing for an Effective Date**

Mr. Adams presented Resolution 2025-03. This Resolution is necessary because the Fiscal Year 2024 expenditures exceeded appropriations by approximately \$9,600. An additional contingency of \$20,000 will be added to account for any last minute journal entries.

**On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Durney, with all in favor, Resolution 2025-03, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; and Providing for an Effective Date, was adopted.**

**TWENTIETH ORDER OF BUSINESS**

**Adjournment: [Bay Creek CDD]**

**On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor the meeting adjourned at 3:49 p.m.**

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

March 24, 2025

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

**FOR BAY CREEK:**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair