

**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 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 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
Bernie Cramer	Assistant Secretary
Karen Montgomery	Assistant Secretary

Present for Bay Creek CDD:

James Janek	Chair
Robert Travers	Vice Chair
Jerry Addison	Assistant Secretary
Mary McVay	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
Jim Hoppensteadt	Pelican Landing General Manager
Marvin Hancock	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.

SECOND ORDER OF BUSINESS**Roll Call**

For Bay Creek CDD, Supervisors Travers, Addison, Janek and McVay were present. Supervisor Durney was absent.

For Bayside Improvement CDD, Supervisors Cramer, Montgomery and McCarthy were present. Supervisor Gravenhorst was absent. One seat was vacant.

THIRD ORDER OF BUSINESS**Public Comments: Agenda Items**

Resident Marvin Hancock submitted a speaker card about the stormwater system on the northwest corner of US 41 and Coconut Road and asked to wait to comment during the Engineer's Report.

JOINT BOARD ITEM(S)**FOURTH ORDER OF BUSINESS****Staff Report: District Engineer – Barraco and Associates, Inc.**

Mr. Kayne stated that the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems Annual Report for Cycle 8 was submitted timely, on September 30, 2025 to Lee County. Mr. Adams stated that the Report included the edits discussed at the last meeting.

Mr. Adams stated there is a new commercial development planned at the northwest corner of US 41 and Coconut Road that is similar to The Mercado in Naples. He inquired about what condition, if any, would the CDD be joined into the new development's stormwater permitting process, as a receiver of their runoff. Mr. Kayne stated only if the development is located within one of the CDDs permit boundaries or there are proposed modifications to the CDDs' stormwater management system, as a result of the development. Mr. McCarthy asked Mr. Kayne to find out the discharge plans and where the new development's outfall is and provide an update at the next meeting.

Resident Marvin Hancock stated two years ago, when told plans for the stormwater system were not yet developed, he told the Developer that the CDD is at capacity.

FIFTH ORDER OF BUSINESS

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

Mr. Nott was on vacation and did not submit a Report.

SIXTH ORDER OF BUSINESS**Committee Reports****A. PLCA Landscape Committee**

General Manager Jim Hoppensteadt provided updates on the entry monument area at North Beach and the Pennyroyal berm projects. The Bay Ceder project and the berm project at Waterside are completed.

B. Colony Landscape Committee

The Colony Landscape Committee Report was included for informational purposes.

Mr. Adams stated he and Mr. McCarthy will attend The Colony Board of Directors regular meeting on November 17, 2025 to discuss the relationship between the CDD and The Foundation and what each entity owns and the services each provides to the other.

Mr. Adams displayed photos of the drainage pipe break just past the entrance to Terzetto, which is now repaired; the delay was due to No Cuts. Mike Radford with M.R.I. Inspection LLC (MRI) suggested installing a UV Lighting Hardener Liner in the CDDs' pipes; however, he does not think it is necessary at this time. Ancillary roadway and sidewalk repairs are underway.

Mr. Cramer stated he spoke to The Colony President Bob Wilkes about inviting Mr. Adams and Mr. McCarthy to the meeting and noted the County's roadway project in 2024 is similar to today's issue.

Board Members and Staff commented about the CDDs' infrastructures related to pipes and roadways, areas where other pipe repairs occurred, the current repair project scope and the reasons the repairs were delayed.

SEVENTH ORDER OF BUSINESS

Discussion/Consideration of Aquatics Maintenance Agreement [expires 01/31/26] Superior will hold current cost of \$274,516.63 per year for a 2-year renewal starting 02/01/26

Discussion ensued regarding whether go out to bid or to renew the Aquatics Maintenance Agreement with Superior that expires January 31, 2026, based on the offer to hold the current annual cost for a two-year period commencing February 1, 2026.

Mr. McCarthy asked if it would violate any standards if the contract is renewed. Mr. Adams replied no; since Superior is not changing its pricing and the contract was awarded via the sealed bid process. The next agenda item is a similar situation, whereas the Wetland Maintenance Agreement expired and EarthBalance, who is on a month-to-month basis, offered to hold its pricing as well.

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Addison, with all in favor, renewing the Aquatics Maintenance Agreement with Superior, under the same conditions and current cost of \$274,516.63 per year for a two-year period commencing February 1, 2026, was approved.

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, renewing the Aquatics Maintenance Agreement with Superior, under the same conditions and current cost of \$274,516.63 per year for a two-year period commencing February 1, 2026, was approved.

EIGHTH ORDER OF BUSINESS

Discussion/Consideration of Wetlands Maintenance Agreement [expired 09/30/25] currently on month to month] EarthBalance will hold current cost of \$54,509.72 for a 2-year renewal

On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Addison, with all in favor, renewing the Wetlands Maintenance Agreement with EarthBalance, under the same terms and conditions as the current contract, holding the current cost of \$54,509.72 for a two-year period, was approved.

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, renewing the Wetlands Maintenance Agreement with EarthBalance, under the same terms and conditions as the current contract, holding the current cost of \$54,509.72 for a two-year period, was approved.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2025

- **Review of Year End Forecast Report**

There is no Year End Forecast Report since the Financial Statements are through September 30, 2025, which ends the fiscal year.

Mr. Adams presented the Unaudited Financial Statements as of September 30, 2025.

Mr. Adams stated that, due to legislative changes for the rulemaking process, the Bay Creek CDD Public Hearing to change its fee structure for utility services will be scheduled for the January 2026 meeting, as they might not have quorum for the December meeting.

Regarding whether the general and operations fund balances are adequate, Mr. Adams stated the Bayside CDD's General Fund and the Irrigation Fund are sufficiently funded. The Bay Creek General Fund is sufficient and the Enterprise Fund has been losing out, but will be corrected once the rate adjustment is adopted at the Public Hearing.

Regarding the efforts to advance the investment fund balance, Mr. Adams proposed investing in treasury bills in addition to the BankUnited Insured Cash Sweep (ICS) account. He will provide information at the next meeting.

The financials were accepted.

TENTH ORDER OF BUSINESS

Approval of Minutes

A. September 11, 2025 Joint Public Hearings and Joint Regular Meeting

The following changes were submitted to District Management prior to the meeting:

Line 187: Change "Wayne" to "Warne"

Line 271: Change "CFB" to "PLCA BOD"

On MOTION for Bay Creek by Mr. Janek and seconded by Ms. McVay, with all in favor, the September 11, 2025 Joint Public Hearings and Joint Regular Meeting Minutes, as amended and to include any additional changes submitted to Management, were approved.

On MOTION for Bayside by Mr. Cramer and seconded by Ms. Montgomery, with all in favor, the September 11, 2025 Joint Public Hearings and Joint Regular Meeting Minutes, as amended and to include any additional changes submitted to Management, were approved.

B. September 22, 2025 Joint Regular Meeting

On MOTION for Bay Creek by Mr. Addison and seconded by Ms. McVay, with all in favor, the September 22, 2025 Joint Regular Meeting Minutes, as presented, were approved.

On MOTION for Bayside by Mr. Cramer and seconded by Ms. Montgomery, with all in favor, the September 22, 2025 Joint Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS**Action/Agenda Items**

Mrs. Adams will update the lists after the meeting.

TWELFTH ORDER OF BUSINESS**Old Business**

There was no old business.

THIRTEENTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: Coleman Yovanovich Koester, P.A. [Gregory Urbancic, Esq.]**

- **Memorandum Regarding Ethics Training Requirements [Updated 2025]**

Mr. Urbancic presented an updated version of the memorandum advising Board Members to complete the required four hours of ethics training by December 31, 2025. Bills related to increasing sovereign immunity limits are already being filed for the upcoming Legislative session. He will monitor and provide updates on matters that might affect CDDs.

Discussion ensued regarding ethics training courses, keeping a log to prove completion of the requirement, and reporting completion when filing Form 1 annually.

B. District Manager: Wrathell, Hunt and Associates, LLC**I. Monthly Status Report: Field Operations****II. NEXT MEETING DATE: December 8, 2025 at 2:00 PM [Adoption of Bay Creek CDD Irrigation Rates/Charges]**

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

All Bayside and Bay Creek Supervisors present confirmed their attendance at the December 8, 2025 meeting, with the exception of Mr. Addison and Mr. Janek.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

There were no Supervisors' requests.

FIFTEENTH ORDER OF BUSINESS

Public Comments: Non-Agenda Items

No members of the public spoke.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, the Bay Creek Improvement CDD meeting adjourned at 2:42 p.m.

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, the Bayside Improvement CDD meeting adjourned at 2:41 p.m.

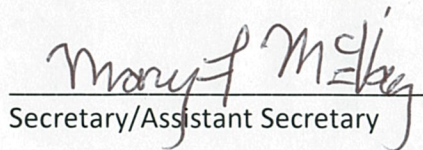
[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair