

**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 and Public Hearing on December 8, 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 via Zoom, at <https://us02web.zoom.us/j/84137772934>, and conference call at 1-929-205-6099, Meeting ID: 841 3777 2934 for both.

Present for Bayside Improvement CDD:

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

Present for Bay Creek CDD:

Robert Travers	Vice Chair
Mary McVay	Assistant Secretary
Gary Durney	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
Andy Nott	Superior Waterways, Inc.
Paul Kemp	Field Manager
Jim Hoppensteadt	Pelican Landing General Manager
Dean Francis	Supervisor Appointee, Appointed at meeting
Anne Cramer (via phone/Zoom)	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, Durney and McVay were present. Supervisors Addison and Janek were absent.

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

Mr. McCarthy stated Mr. Cramer requested a report of what transpired at the meeting with The Colony Foundation; information will be given during the Sixth Order of Business.

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

No members of the public spoke.

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

- Update: NW Corner Coconut/US 41 Drainage**

Mr. Kayne displayed a graphic of the area in question. According to the permit documents for this parcel that has been partially developed for the past several years, discharge from the site goes to the on-site wetland preserve area, then to the utility easement dish, and then north toward Halfway Creek. The wetland preserve area is the lower area to which outfall flows. Near the utility easement, a conveyance that forms becomes more substantial at it heads north, eventually tying into what he believes is part of the Halfway Creek, and then out to Estero River.

Mr. Kayne stated he does not see any proposed connections to Pelican Landing or the CDD's stormwater management system; he thinks at this time it all heads north and does not connect south of Coconut. Mr. Cramer stated this information was shared with former Board Member Marvin Hancock, who raised the issue.

Mr. McCarthy discussed drainage pipes under Coconut Road, closed drainage pipes that lead to inlet structures, and open drainage pipes bringing drainage from the swale to the south to discharge. He thinks there is no extraneous drainage into the CDD from the north side of Coconut Road.

Mr. Cramer asked who should be contacted regarding piles of topsoil that were moved into the line of sight of the utility easement when clearing land for a new home built on Pennyroyal. The consensus was that it is a City of Bonita Springs permitting matter.

FIFTH ORDER OF BUSINESS**Treatment Report: November 2025 - Superior Waterway Services, Inc. (Andy Nott)**

Mr. Nott presented the monthly Treatment Report and responded to questions. The property looks very good. Typical issues, such as slender spikerush, are being actively treated as they occur. Water levels are dropping and some lakes that are typically dry in January are already dry. Littoral plants installed on Lake B8 look very healthy.

Discussion ensued regarding previously reported issues in certain areas where residents complain about easement access.

Mr. Adams stated he has a lengthy list of items to address. Staff will prioritize issues to be addressed and letters will be sent to affected residents. The PLCA has additional enforcement tools available to them and will also assist in the event of response issues.

In response to Mr. McCarthy's question, Mr. Nott stated that he engaged a contractor to build the Lake A2 custom aluminum fish grates. Mr. McCarthy voiced his opinion that it was very well done, a great improvement on the previous fish grates.

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

General Manager Jim Hoppensteadt thanked the CDD, Mr. Kemp and his team, on behalf of the community, for the transition to mulch, which looks great. He, Mr. Kemp and Mr. Durney will meet with the landscape architect to update the 2019 plan, survey existing conditions, and to understand the relationship with the CDD and irrigation plans.

Mr. Hoppensteadt stated that Chuck and Jay Wessendorf, the Civil Engineer on the infrastructure project, will assist with repaving, sidewalks and drainage.

Discussion ensued regarding recent resignations from the Committee, funding provided by the PLCA Board, reestablishment of the Committee, vendors shared by the CDD and PLCA, and new vendors.

Mr. Adams stated John Rebis succeeded Michael Spencer, who designed the Pennyroyal Berm.

Resident Anne Cramer voiced her opinion that, given the recent reduction in the Landscape Committee's 2025 funding and the resignation of the four Committee members, it seems unlikely that the PLCA will be in any financial position to address some of the smaller restoration projects next year, including the circles, many of which remain partially bare, or in poor condition. Two rainy seasons have elapsed since she has been attending CDD meetings and she has asked the CDD to address some areas that seem to be the CDD's responsibility. Some of this was acknowledged; some landscape areas that deteriorated due to maintenance or irrigation issues are areas within the CDD's responsibility to restore. She believes there might be some uncertainty about how to proceed, particularly regarding whether the PLCA or the CDD should design and/or fund fill-in plantings. She thinks a number of areas have gone unaddressed and they remain unsightly. Her goal is to establish a clear, workable path and start to understand or approve some of the neglected areas and maintain the appearance of the community. She wonders if it would be helpful for someone to clarify, what criteria should guide decisions about what areas the CDD will restore, how the requests should be submitted and evaluated, and how to ensure consistency and fairness in addressing these needs.

Mr. Adams stated very specific criteria are outlined in the Landscape Maintenance Agreement between the CDD and the PLCA. Mrs. Cramer stated she read the Agreement on numerous occasions and expressed concern about the areas on some of the circles that have no plants left. She asked if the CDD will address those. In the past, she was advised that the CDD would, but none were accomplished in some areas. She would like to know what criteria were used in areas such as Cassia Court, Tassel Flower Court, or in The Reserve.

Mr. Adams stated, after understanding why the plant material is missing or in poor condition, the decision would be made by the owner, who in this case is the PLCA, as to whether to replace the material with like kind and whether there were some condition changes, or if it was maintenance neglect. If it is due to maintenance neglect and it will be replaced with like kind, that is the CDD's responsibility. If it is due to life expectancy or changing conditions, that is the owner's responsibility. It is similar to a homeowner's relationship with their own landscape maintenance contractor. If related to maintenance and the CDD applied an incorrect chemical and the PLCA desires to replace it with the same or a comparable plant, that would be the CDD's

responsibility. Mrs. Cramer stated she will need to listen to past meetings in which it sounded as though something would be done. She hopes for some fill-ins to address these situations.

Mr. Adams stated he and Mr. Hoppensteadt discussed some of these areas, in particular, one of the areas Mrs. Cramer identified.

Mr. Durney stated, in his experience on the Committee, it is sometimes difficult to determine what was there, why it deteriorated, etc. He questioned how determinations can be made and voiced his opinion that the CDD and the PLCA should work together, given the importance of the circles.

Mr. Adams noted that the CDD greatly reduced plant replacements expenditures in recent years given the PLCA's multi-phase wholesale renovations. Once renovations are concluded, he expects annual expenditures could increase to \$100,000 to \$150,000 again.

Discussion ensued regarding factors that affect plantings, including the passage of time, plantings by Developers, and poor plantings; the effects of variations in sun and shade on plantings; the desire for better uniformity throughout the CDD rather than piecemeal plantings; and trees that have outgrown the original design.

Ms. Gravenhorst voiced her belief that, per the Agreement, if redesign is needed the redesign is the PLCA's responsibility. She thinks that approach was applied to the circles to reflect continuity throughout the CDD, and that should not be the CDD's responsibility, it is the PLCA's responsibility. She suggested one-time exercises be the PLCA's responsibility but for singular plants to be deemed a maintenance issue and be the responsibility of the CDD.

Mr. Adams discussed a large canopy tree on Ascot Circle and noted that two irrigation zones are needed but not likely provided for the plantings. The consensus was that a team approach is needed.

Discussion ensued regarding the ongoing nature of the issue dating back to Michael Spencer's plantings, the appearance of several circles, failures of past plantings, the need to address Pennyroyal Drive's angle and the effect of weather conditions on plantings.

Ms. Montgomery suggested prioritizing and addressing the worst of the issues in the short term, and that Phase 2 and Phase 3 be planned.

B. Colony Landscape Committee

Mr. Adams stated Ms. Gravenhorst did a good job capturing the high points of the meeting. The Committee discussed the most recent drainage pipe repair and, once the Committee better understood the timeline, conditions, and challenges, they better understood

what the CDD is up against. The previous, shallower repair is still less understood; it is surmised that it could be related to the continuous use of very heavy equipment in the area. Topics discussed at the meeting included road construction, pipe inspections, use of turf in The Colony, and sharing ideas. The CDD was asked to attend on a quarterly basis; another meeting will be in the first quarter of 2026. Mr. McCarthy stated the meeting was cordial and very constructive.

Mr. Adams stated he provided an update regarding the likely refurbishment of two of the three fountains this year. Collier Paving repairs are ongoing.

Mr. Cramer stated, in addition to circle areas, areas between the roadway and waterways in Woodsage receive annoying light reflection if plants are not full; it is a combined problem.

Discussion ensued regarding turf changes over the years, beginning with Floratam and St. Augustine in the medians in The Colony to 419 Bermuda grass, then Celebration and now the transition to Bimini. It was noted that turf in very shady areas will be replaced with ground cover.

Ms. Montgomery thanked Mr. McCarthy and others for attending the meeting and offered to take a turn. The consensus was for Staff and Board representatives to vary from quarter to quarter.

BAYSIDE IMPROVEMENT CDD ITEMS**SEVENTH ORDER OF BUSINESS****Consider Appointment of Qualified Elector
to Fill Unexpired Term of Seat 5; Term
Expires November 2028****A. Candidates**

- I. **Dean A Francis, DDS**
- II. **Cheryl Hughes**

Mr. Adams stated a request for additional candidates was emailed at the end of November. The two candidates below requested that their previously provided resumes and letters of interest be retained for the available Seat.

Ms. Gravenhorst objected to the implication in Mr. Francis' resume that a Supervisor cannot represent the entire community due to their residence location. She noted hers and Bill Nicholson's service on the CDD Board and asked Mr. Francis to remember that the Agreement includes the PLCA and all of The Colony, which contributes almost half of the budget funds that Bayside CDD receives.

Mr. Francis stated his comment was in response to those questioning how he could serve the entire CDD despite not going to The Colony and to clarify that he has a broad view of the CDD; he meant no offense.

Ms. Gravenhorst nominated Cheryl Hughes to fill Seat 5. No other nominations were made.

On MOTION by Ms. Gravenhorst and seconded by Mr. McCarthy, with Ms. Gravenhorst and Mr. McCarthy in favor and Mr. Cramer and Ms. Montgomery dissenting, the appointment of Cheryl Hughes to fill Seat 5, was not approved.
[Motion failed 2-2]

Ms. Montgomery nominated Dean Francis to fill Seat 5. No other nominations were made.

On MOTION by Ms. Montgomery and seconded by Mr. Cramer, with Ms. Montgomery and Mr. Cramer in favor and Mr. McCarthy and Ms. Gravenhorst dissenting, the appointment of Dean A. Francis to fill Seat 5, was not approved.
[Motion failed 2-2]

Further discussion ensued.

Mr. McCarthy nominated Dean Francis to fill Seat 5. No other nominations were made.

On MOTION by Mr. McCarthy and seconded by Mr. Cramer, with all in favor, the appointment of Mr. Dean A. Francis to fill Seat 5, was approved.

Ms. Gravenhorst stated that her vote in favor of appointing Mr. Francis to fill Seat 5, was solely so he is unanimously appointed to the Board.

B. Administration of Oath of Office to Newly Appointed Supervisor (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 Dean Francis. The following items were provided and explained:

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

EIGHTH ORDER OF BUSINESS**Consideration of Resolution 2026-01,
Electing and Removing Officers of the
District and Providing for an Effective Date**

Mr. Adams presented Resolution 2026-01. The following nominations were made:

Walter McCarthy	Chair
Gail Gravenhorst	Vice Chair
Karen Montgomery	Assistant Secretary
Bernie Cramer	Assistant Secretary
Dean Francis	Assistant Secretary

No other nominations were made. This Resolution removes the following from the Board:

William Nicholson	Vice Chair
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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 Mr. Francis and seconded by Ms. Montgomery, with all in favor, Resolution 2026-01, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.

NINTH ORDER OF BUSINESS**Discussion/Consideration/Ratification:
Performance Measures/Standards &
Annual Reporting Form****A. October 1, 2024 - September 30, 2025 [Posted]**

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. McCarthy, with all in favor, the 2025 Goals and Objectives Reporting, was ratified.

B. October 1, 2025 - September 30, 2026

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Francis, with all in favor the Goals and Objectives Reporting Fiscal Year 2026 Performance Measures and Standards, were approved.

TENTH ORDER OF BUSINESS**Consideration of Resolution 2026-02,
Implementing Section 190.006(3), Florida
Statutes, and Requesting that the Lee**

County Supervisor of Elections Conduct the District's General Elections; Providing for Compensation; Setting Forth the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

Mr. Adams presented Resolution 2026-02, which addresses the following:

- Seats 2 and 4, currently held by Gail Gravenhorst and Bernard Cramer, respectively, will be up for election at the November 2026 General Election.
- Candidates must be a United States citizen, at least 18 years of age, a legal resident of Florida, reside within the CDD and be a registered voter in Lee County.
- Each Board Member is entitled to receive compensation of \$200 per meeting, up to an annual maximum of \$4,800 per year.
- Each seat carries a four-year term.
- The candidate qualifying period is noon, June 8, 2026 to noon, June 12, 2026.

On MOTION by Ms. Gravenhorst and seconded by Mr. Francis with all in favor, Resolution 2026-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Conduct the District's General Elections; Providing for Compensation; Setting Forth the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, were adopted.

BAY CREEK CDD BUSINESS ITEMS**ELEVENTH ORDER OF BUSINESS****Public Hearing on Adoption of Irrigation Rates**

- A. Proof/Affidavits of Publication**
- B. Consideration of Resolution 2026-01, 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 2026-01. Mr. Adams reviewed the irrigation rate changes and recommended approval.

Mr. Durney stated his home is platted separately from his neighbors and questioned why his bill is considered "Multi-Family". Mr. Adams stated the neighborhood has one master meter.

Discussion ensued regarding connection fees, the Master Rate Study, the definition of "Multi Family", the number of meters, and the cost of transitioning to Single Family due to the need for additional meters.

It was noted that, regardless of classification, users using the same amount of water will experience a cost increase of approximately 18% in 2026.

Mr. Adams opened the Public Hearing.

No affected property owners or members of the public spoke.

Mr. Adams closed the Public Hearing.

It was noted that the effective date will be changed to January 1, 2026 and that the penalty tiers were updated.

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Travers, with all in favor, Resolution 2026-01, as amended to change the effective date of the rate increase to January 1, 2026, 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.

TWELFTH ORDER OF BUSINESS

Consideration/Discussion/Ratification:
Performance Measures/Standards &
Annual Reporting Form

A. October 1, 2024 - September 30, 2025 [Posted]

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Travers, with all in favor, authorizing the Chair to approve the findings related to the 2025 Goals and Objectives Reporting, was ratified.

B. October 1, 2025 - September 30, 2026

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Travers, with all in favor the Goals and Objectives Reporting Fiscal Year 2026 Performance Measures and Standards, were approved.

THIRTEENTH ORDER OF BUSINESS

Consideration of Resolution 2026-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Conduct the District's General Elections; Providing for Compensation; Setting Forth the Terms of Office; Authorizing Notice of the Qualifying

Period; and Providing for Severability and an Effective Date

Mr. Adams presented Resolution 2026-02, which addresses the following:

- Seats 2, 4 and 5, currently held by Robert Travers, Mary F. McVay and Robert Gary Durney, respectively, will be up for election at the November 2026 General Election.
- Candidates must be a United States citizen, at least 18 years of age, a legal resident of Florida, reside within the CDD and be a registered voter in Lee County.
- Each Board Member is entitled to receive compensation of \$200 per meeting, up to an annual maximum of \$4,800 per year.
- Each seat carries a four-year term.
- The candidate qualifying period is noon, June 8, 2026 to noon, June 12, 2026.

It was noted that the advertisement will be corrected to reflect the correct qualifying period dates of June 8, 2026 through June 12, 2026.

On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Travers, with all in favor, Resolution 2026-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Conduct the District's General Elections; Providing for Compensation; Setting Forth the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

FOURTEENTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of October 31, 2025**

- **Review of Year End Forecast Report**

Mr. Adams presented the Unaudited Financial Statements as of October 31, 2025. He will make a plan for investments and approximate income. Treasury Bill options will be presented. As of today, Bayside had approximately \$1 million in assessment revenue, and Bay Creek has approximately \$2 million in assessment revenue.

The financials were accepted.

FIFTEENTH ORDER OF BUSINESS**Approval of October 27, 2025 Joint Regular Meeting Minutes**

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

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

There were no changes to the list.

Mrs. Adams stated replacement of firebush will be added back to the list.

SEVENTEENTH ORDER OF BUSINESS**Old Business**

There was no old business.

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

Mr. Urbancic stated he is monitoring legislation that could affect CDDs. Senate Bill 378 and House Bill 6005, which would repeal the Goals, Objectives and Policies requirements is progressing through both chambers. Further updates will be provided.

Mr. Urbancic reminded the Board Members to complete the required four hours of ethics training by December 31, 2025.

B. District Manager: Wrathell, Hunt and Associates, LLC**I. Monthly Status Report: Field Operations****II. NEXT MEETING DATE: January 26, 2026 at 2:00 PM****○ QUORUM CHECK: BAYSIDE IMPROVEMENT CDD****○ QUORUM CHECK: BAY CREEK CDD**

All Bayside and Bay Creek Supervisors present confirmed their attendance at the January 26, 2026 meeting.

NINETEENTH ORDER OF BUSINESS**Supervisors' Requests**

There were no Supervisors' requests.

TWENTIETH ORDER OF BUSINESS**Public Comments: Non-Agenda Items**

Mr. Adams distributed and discussed a utility billing service proposal and stated he hopes to present additional proposals for consideration at the January meeting.

Ms. Gravenhorst discussed the annual flowers and expressed consideration about strict watering restrictions given that the begonias were planted earlier than usual. She thinks it will be unsightly if they fail in the middle of season.

Mr. Kemp stated that irrigation was recently boosted to address the issues. More time has been spent trimming and preparing the plantings for the cold weather.

Mr. Travers voiced his opinion that the CDD looks the best it has looked in his eleven years here. The consensus was that Mr. Kemp does an excellent job.

Mr. Cramer noted the presence of large, heavy cement trucks and a heavy crane in construction areas. He expressed concern about infrastructure and asked for the catch basins in that area to be placed on the list so they are inspected. Mr. Adams will make sure they are inspected. Mr. Cramer noted that the PLCA was recently given the roadway from its property down to the marina. He asked if the CDD will get involved. Mr. Adams does not believe the CDD will be involved in developing the roadway, as it is outside the CDD's boundaries.

Discussion ensued regarding future redevelopment of PLCA property and a vacated easement over that property.

Mr. Francis thanked the Bayside Board for appointing him and stated he looks forward to working with the team. He expressed support for the billing work being done and asked Mr. Adams to discuss the Enterprise Fund and why it is treated differently than the General Fund. Mr. Adams stated that the Enterprise Fund is a proprietary fund; its revenue source is based upon monthly billings based on users.

Mr. McCarthy welcomed Mr. Francis to the Board. He asked Mr. Adams to add an agenda item so that Bayside can consider raising the penalty rates.

TWENTY-FIRST ORDER OF BUSINESS**Adjournment**

On MOTION for Bay Creek by Mr. Travers and seconded by Ms. McVay, with all in favor, the Bay Creek Improvement CDD meeting adjourned at 3:50 p.m.
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On MOTION for Bayside by Mr. Francis and seconded by Ms. Montgomery, with all in favor, the Bayside Improvement CDD meeting adjourned at 3:50 p.m.

FOR BAYSIDE IMPROVEMENT:

Burnd Oram

Secretary/Assistant Secretary

Walter McRatty

Chair/Vice Chair

FOR BAY CREEK:

G. Darnay

Secretary/Assistant Secretary

Jay Janek T

Chair/Vice Chair