

**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 25, 2021 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134. The public were able to participate, via Zoom, at <https://us02web.zoom.us/j/89618202004>, and 1-929-205-6099, Meeting ID 896 1820 2004 for both.

For Bayside Improvement CDD, present were:

Walter McCarthy	Chair
Bill Nicholson (via Zoom)	Vice Chair
Bernie Cramer	Assistant Secretary
James Nicholson	Assistant Secretary
Karen Montgomery	Assistant Secretary

For Bay Creek CDD, present were:

Mary McVay	Chair
Robert Travers	Vice Chair
James Janek	Assistant Secretary
R. Gary Durney	Assistant Secretary
Jerry Addison	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	Assistant District Manager
Tammie Smith	Operations Manager
Dan Cox (via Zoom)	District Counsel, Bay Creek CDD
Greg Urbancic (via Zoom)	District Counsel, Bayside Improvement CDD
Wes Kayne (via Zoom)	District Engineer
Tim Denison (via Zoom)	Johnson Engineering
Bill Kurth	SOLitude Lake Management (SOLitude)
Marilyn Price (via phone)	Resident/PLCA Landscape Committee Chair and PLCA Board Member
Gail Gravenhorst (via Zoom)	Resident/Landscape Committee Member

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

January 25, 2021

Anne Cramer (via phone)	Resident
Sheila Metzler (via Zoom)	Resident
Howard Lowe (via phone)	Resident
Charlotte McCarthy	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, all Supervisors were present, in person. For Bayside Improvement CDD, Supervisors McCarthy, Cramer, Jim Nicholson and Montgomery were present, in person. Supervisor Bill Nicholson was present, via Zoom.

THIRD ORDER OF BUSINESS

Public Comments: *Agenda Items*

Resident Howard Lowe, on behalf of himself and his neighbors in Pelican Landing, expressed their appreciation to everyone involved in resolving the aeration unit noise issue at Lake A-18 by installing a timer.

JOINT BOARD ITEMS

FOURTH ORDER OF BUSINESS

Staff Report: District Engineer: *Barraco & Associates, Inc.*

There being no report, the next item followed.

FIFTH ORDER OF BUSINESS

Lake Maintenance Report: *SOLitude Lake Management*

Resident Sheila Metzler asked for the overgrown grass going into the two larger ponds near Southbridge to be trimmed. Mrs. Adams stated she would inspect the area and treat the spike rush, if necessary.

Mr. Kurth addressed Ms. Metzler's comment, stating that this growth is considered beneficial littorals. The typical standard is to allow it to grow and preserve it; the next time he is on site, he would inspect it and let Mrs. Adams know if the growth is excessive. Discussion ensued regarding whether Lake D-1 fluctuating water levels resulted in less growth and if good growth would take time to fill in at Lake D-2, where bull rush, a less desirable plant, was removed.

- **SOLitude Lake Management Report on Nanobubblers and Their Effectiveness**

Mr. Kurth discussed items in the January Monthly Report and the nanobubbler systems' effectiveness. He reported the following:

- Lakes E-4 and E-5 required additional treatment for surface algae growth. Beneficial bacteria would be used to raise the levels to the same as the other lakes, since they showed no significant reduction in algae growth; bacteria would be used throughout 2021.
- Lake A-18: Algae treatments reduced by 75% since the nanobubble unit was installed.
- A meeting with another bacteria manufacturer was scheduled this week; updates would be provided at the next meeting.
- Two tires were removed from Bay Creek; a second tire was found when water levels receded.

SIXTH ORDER OF BUSINESS

Presentation by Tim Denison, Johnson Engineering, Inc.

A. 2020 Water Quality Monitoring Report

B. 2020 Sediment Quality Monitoring Report

Mr. Denison screen shared both Reports and discussed the results of the water and sediment samples taken at seven stormwater treatment "discharge" ponds within the Districts. He noted that the Annual Reports were submitted to Mr. Adams and previously distributed to the Boards. Five of the seven lakes required further inspection in order to find ways to reduce the nutrient levels in the water. Muck was found in six of the ponds.

Regarding muck and the Appendix A description of the sampled material, which consisted mostly of a tar like substance, and photographs, Mr. Denison explained the process

for obtaining sediment samplings. Although the Report recommended no longer sampling Lake F-12, he would continue sampling it.

Discussion ensued regarding the purpose of sampling stormwater ponds, what entity is responsible for preparing an action plan from the collected data. Trends are discovered over several years of testing before determining the cause and, if any or no action is necessary, the Water Quality Task Force (WQTF) would help provide some form of direction; chemicals or processes are available to reduce levels.

Future Reports would include rainfall, the dates the lakes were built and current age, indicate if littoral shelves are present, acknowledge if aeration units are present and the location(s) in the lake and provide a reason for disparities from one area of the lake to another.

Ms. McVay asked Mrs. Adams to send the Boards a list of when those specific aerators were installed.

SEVENTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

This item was presented following the Thirteenth Order of Business.

B. Colony Landscape Committee

Ms. Gravenhorst stated that reports were emailed to the Boards this morning; however, in the interim, a request was made to have Mr. Bob Floyd inspect certain plants that residents deemed unhealthy. Mrs. Adams stated she would follow up to ensure these were reviewed.

C. Water Quality Task Force

The January 8, 2021 meeting notes were included for informational purposes.

Ms. McVay asked Staff if the rumor that golfers do not want littorals planted on unmowed banks was true. Mrs. Adams stated the littorals would be trimmed if they interfere with play. Ms. McVay asked Staff to explain the absence of littorals along the Golf Club side of Lake D-9, opposite the residence, as she felt that littorals would be beneficial to the water quality, since a lot of fertilizer is used. She asked to schedule a tour of the lakes with Mrs. Adams first and again with Mr. Zimmerman. A tour would be scheduled in the off season.

Ms. Montgomery stated that Mr. Zimmerman offered to give the WQTF a tour of the facilities and it was reported that the golf course lakes were older and deeper and were not built with a littoral shelf. Discussion ensued regarding the changed littoral shelving standards around 1993 and that the Districts have the final decision regarding where littorals would be planted around the lakes. Mr. Cox recalled that the permit required the Districts to install shelving on the residential side but not the Golf Course side, as it was constructed much earlier.

Mr. Cramer commended Mr. Zimmerman and Mr. Adams on their presentation to the WQTF and stated he planned to suggest that the WQTF have them documented somewhere for the residents to educate themselves, especially since Mr. Adams' presentation was shortened due to technical difficulties.

EIGHTH ORDER OF BUSINESS

Continued Discussion: 2021 Proposed Key Objectives

- **Presentation of Proposal to Provide Surplus Irrigation Water to the Bayside Improvement CDD from The Brooks**

Mr. Adams stated that, per a request from the South Florida Water Management Districts (SFWMD) for further modeling, RCS hoped to submit results to the SFWMD within a couple of weeks and, within one to two months, have a response for considering modifying the permit to allow The Brooks to provide excess groundwater, approximately ½ million gallons a day, to Bayside CDD Lake B-4, which is tied to Lake B-6.

Mr. Adams screen shared the map, which displayed the 16" well transmission line and Bay Creek's line. Discussion ensued regarding cost, user rates increasing and obtaining a rate study to determine if capital costs need to be financed. This change would result in improved water quality. Mr. Durney wondered how the amount of sediment and muck in the pond, affects the ability to recharge the groundwater.

- **Management Reporting**

Mr. Bill Nicholson discussed being at a turning point from having to prepare a budget amendment, which had been done over the last five years while keeping assessments flat, year-over-year, until this last year. He discussed the "Management Reporting" document that

provided recommendations to implement in order for the Districts to arrive at or slightly below budget by the end of the fiscal year, which proposed adopting an accrual accounting methodology, instead of cash flow accounting; this process would show when costs are projected to exceed budget and prevent having to prepare budget amendments.

Mr. Adams stated that he discussed the recommendations with Mr. Bill Nicholson and would incorporate the proposed changes into the monthly financial statements; Management's accounting system would not change.

Mr. Bill Nicholson discussed the need to track the progress on the BOSS Project and Maintenance Tracking Program and receive monthly updates. Mr. Adams stated that he would create a document for Paul and Doug to update statistical data with a narrative, which would be included in the monthly Operations Report.

Mr. Cox, Counsel for Bay Creek, stated that Mr. Urbancic was Bayside CDD's advisor when discussing changing the Financial Statements. Mr. Cox stated that Bay Creek would continue adhering to the Governmental Accounting Standards Board (GASB) requirements. Mr. Urbancic concurred that any standard inconsistent with the GASB would not be appropriate.

NINTH ORDER OF BUSINESS

**Continued Discussion/Consideration:
Revised Disaster Response Agreement with
PLCA**

Mr. Adams presented the most recent redline and draft version of the Revised Disaster Response Agreement with the PLCA, which was distributed in the meeting. The items raised at the last meeting were incorporated and the PLCA engages the Contractors directly and pays those invoices directly. Mr. Urbancic agreed with Mr. 'dams' comments. Discussion ensued regarding adding verbiage to address possible financial exposure if the PLCA pursued the Districts if reimbursement from the Federal Emergency Management Agency (FEMA) was not as expected and that crews would not work overtime.

Discussion ensued regarding not tabling this item but holding the transmittal until after the March 2021 elections and having District Counsel revise Paragraph 7 and other areas addressing funding. A prior motion to table transmittal of the Revised Disaster Response

Agreement with the PLCA until the Boards can meet with the PLCA Board to discuss it, in a Special Meeting after the March 2021 elections, was withdrawn.

Mr. Cox discussed new legislation that would require the PLCA and its Contractors to use the E-verify system. Mr. Cox and Mr. Urbancic would work together to add that provision to the Agreement.

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Jim Nicholson, with all in favor, 1) authorizing District Counsel to include corrections and E-verify System clause into the Agreement, as discussed, 2) approving the Revised Disaster Response Agreement with PLCA, in substantial form, 3) deferring transmittal of the Agreement to the PLCA until after the March 2021 elections and 4) scheduling a Special Meeting with the PLCA Board to discuss the Agreement, was approved.

On MOTION for Bay Creek by Mr. Janek and seconded by Mr. Travers, with all in favor, 1) authorizing District Counsel to include corrections and E-verify System clause into the Agreement, as discussed, 2) approving the Revised Disaster Response Agreement with PLCA, in substantial form, 3) deferring transmittal of the Agreement to the PLCA until after the March 2021 elections and 4) scheduling a Special Meeting with the PLCA Board to discuss the Agreement, was approved.

TENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of December 31, 2020**

Mr. Adams presented the Unaudited Financial Statements as of December 31, 2020. The January Statements would reflect the appropriation fund changes and the adjustments to the Financial Reporting.

Mr. Durney suggested reallocating some of the “irrigation” surplus funds in the Enterprise Fund to reduce future expenses. Discussion ensued regarding fluctuating revenues, because they are based seasonally, needing funds for certain repairs and constraints of the new water bill software. Ms. McVay voiced her disapproval of the billing software, as it is not capable of posting the maximum irrigation amount used on the resident’s bill.

The financials were accepted.

ELEVENTH ORDER OF BUSINESS

**Approval of December 7, 2020 Joint
Regular Meeting Minutes**

Mr. McCarthy presented the December 7, 2020 Joint Regular Meeting Minutes.

On MOTION for Bayside by Mr. Jim Nicholson and seconded by Mr. Cramer, with all in favor, the December 7, 2020 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Mr. Travers and seconded by Ms. McVay, with all in favor, the December 7, 2020 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

TWELFTH ORDER OF BUSINESS

Action/Agenda Items

This item was deferred. Mrs. Adams would update the reports after the meeting.

THIRTEENTH ORDER OF BUSINESS

Old Business

There being no Old Business, the next item followed.

▪ **Committee Reports – PLCA Landscape Committee**

This item, previously Item 7A, was presented out of order.

Ms. Price provided project updates and stated that they were preparing a landscape proposal for work on Colony Drive, including the north gatehouse. She thanked the CDD Boards, Staff and Contractors for their support. Everyone would be apprised of the schedules.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

I. *Gregory Urbancic, Esq., Coleman Yovanovich Koester, P.A.*

Mr. Urbancic reiterated that future contracts would include verbiage requiring the Districts and Contractors to begin using the E-Verify system, as new legislation went into effect January 1, 2021.

II. Daniel Cox, Esq.

Mr. Cox stated that litigation was proceeding and he was working with Derek on the proposed amendment to the Ordinance that addresses the CDD issues with the Stormwater Utility Tax. This would be emailed to the Board and included for discussion on the next agenda. It would be presented at the County's March meeting.

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

I. Monthly Status Report: Field Operations

The Monthly Status Report was included for informational purposes.

The Boards agreed with Mr. Adams rescheduling the presentation to the PLCA about CDDs until after the PLCA's upcoming election. Action Item 6 would be updated to reflect the new date.

II. NEXT MEETING DATE: February 22, 2021 at 2:00 P.M.

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

All Supervisors confirmed their attendance at the February 22, 2021 meeting.

FIFTEENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. McVay asked for the area near Tee #1, in Bay Creek, be cleaned up. She thanked Mrs. Adams for addressing several of her requests; however, she wanted the CDD to obtain an additional permit to allow cleaning the entire buffer easement at Bay Creek, rather than just the approved 100 yards. That proposal was an additional expense, not covered by the existing permit, and was sent to the HOA for approval. Mr. Adams and Mrs. Adams discussed the CDD ownership the title to the creek, which is encumbered by an environmental permit with constraints. He identified the location of the parcel boundaries, tributaries and preserve and noted the permit covered 800'. An outdated map might have been viewed, instead of the most recent map, which was sent.

Ms. McVay asked for the annual water bill to include what the monthly gallons and dollar amount should be.

Mr. Bill Nicholson asked if the Districts' insurance policy covered cyber attacks. Mr. Adams replied affirmatively, under the general liability portion of the insurance policy. The Agent was preparing an understandable summary of coverage, which he would distribute to the Boards. Management has its own protection system in place for record retentions; multiple servers are used to back up files, in case of attack.

Mr. Bill Nicholson asked if Management's emails to the Boards could be sent from one email source instead of from several. The possibility would be discussed with the IT Department. Board Members suggested creating a CDD folder, searching by company name.

Mr. Janek thanked the landscape crews for the fine job they are doing throughout the community, and noted several residents and visitors praised the appearance of the community.

SIXTEENTH ORDER OF BUSINESS

Public Comments: *Non-Agenda Items*

Ms. Gravenhorst stated that, because the PLCA and the CDD budget cycles are different, Club Care agreed to plant the flowers in September and bill the Districts in October; however, if it does not work within the Districts' budget, she asked the Districts to keep the Landscape Committee apprised of any budget change. The Colony was planning to extend the existing flowers another four weeks but the flowers might not survive until then, so another plan for the common areas might be necessary.

Ms. Gravenhorst stated that irrigation for Addison was posted incorrectly on the website as Phase 3 instead of Phase 2. Mr. Adams stated Staff was recently notified of this and would have the webmaster correct it.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 4:40 p.m.

**BAYSIDE IMPROVEMENT
& BAY CREEK CDDS**

January 25, 2021

FOR BAYSIDE IMPROVEMENT:


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair