# 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 April 28, 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 <a href="https://us02web.zoom.us/j/84137772934">https://us02web.zoom.us/j/84137772934</a>, 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 (via phone/Zoom) Chair
Robert Travers Vice Chair

Gary Durney Assistant Secretary
Mary McVay Assistant Secretary
Jerry Addison Assistant Secretary

## Also present:

Chuck Adams

Cleo Adams

District Manager

District Manager

Operations Manager

Greg Urbancic (via phone/Zoom)

Wes Kayne (via phone/Zoom)

District Counsel

District Engineer

Field Manager

Andy Nott

Superior Waterway

Jim Hoppensteadt Pelican Landing General Manager

Bill Dietz Resident & Pelican Landing Eco Club

Advisory Group Member

Cheryl Hughes Resident & Chair of Pelican Landing

Landscape Committee

Levi Herrera PLCA Privacy Department

Dean Francis Resident
Jamie Grofik Resident
Alan Smith Resident
Anne Cramer (via phone/Zoom) Resident
Paula Rush (via phone/Zoom) Resident

Members of the public

#### FIRST ORDER OF BUSINESS

Call to Order/Phone Silent Mode/Pledge of Allegiance

**Public Comments: Agenda Items** 

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 Bayside Improvement CDD, all Supervisors were present.

For Bay Creek CDD, Supervisors Addison, Travers, McVay and Durney were present. Supervisor Janek attended via telephone.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Durney, with all in favor, authorizing the attendance and full participation of Mr. James Janek, via phone/Zoom, due to exceptional circumstances, was approved.

Mr. McCarthy stated that Item 7A will be stricken. Item 7B will be amended to remove "Presentation of Request for Fund for Surveyor Fees to Determine Slopes".

## THIRD ORDER OF BUSINESS

Resident and HOA President Dean Francis stated the HOA signed a contract with Expert Lawncare to be put on a priority list for post-hurricane cleanup. He stated that Pelican Landing also signed a contract with Expert Lawncare and expressed support for hurricane cleanup.

#### **FOURTH ORDER OF BUSINESS**

## Presentation of Hurricane Preparedness: Review of PLCAs Hurricane Preparedness Plan

Mr. Levi Herrera, of the PLCA Privacy Department, stated that part of his job is to keep the PLCA's Hurricane Preparedness Management Plan up to date. He noted the following:

- The Plan is being updated. Not many changes were made; it should be completed in May.
- Expert Lawncare, Johnson Tree Service and EarthBalance were contacted regarding prioritizing cleanup following a hurricane. The last significant impact was experienced following Hurricane Milton, when debris was cleaned up so promptly that many residents saw no debris in the streets. The PLCA will continue cooperating with the CDD on community cleanup.
- Staging areas will be designated for the authorized vendors to drop off debris. The vendors will be asked to chip all debris for compact storage.
- The PLCA is working with The Nest regarding the golf course and debris they piled on Pelican's Nest Drive in the past.
- Federal Emergency Management Agency (FEMA) Release forms were signed with the City of Bonita Springs and the Village of Estero, to allow FEMA to access the property in an emergency.
- Management changes at the clubhouses occurred; updated phone numbers and information regarding changes in the chain of command for phone calls will be shared.
- Storm and hurricane notification procedures will change this year. A webinar will be held in conjunction with a company called StormGeo, which will assist with storm preparedness. Homeowners will be advised not to rely on Pelican Landing for information during emergency situations. It is imperative that homeowners rely on local news, government news and weather experts during storms and during storm preparations, rather than Pelican Landing.
- The Storm Management Plan was successful in the past; only minor changes are being made. Staff is updating contractor phone numbers and checklists will help the entities address their responsibilities and ensure safety and security during an event.

Ms. McVay asked if PLCA residents were informed of this information. Mr. Herrera stated, when the plan is completed, Staff will be informed, followed by homeowners and residents.

Mr. Nicholson asked if there will be a dedicated telephone number in case of evacuation orders, so that seasonal and remote residents can receive information. Mr. Herrera stated he is

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unsure if the PLCA is prepared to provide that; phone lines might be down but updates can be posted online and emailed as the internet might be more reliable. His communications to Pelican

Landing will include instructions about where to look for information.

Mr. Nicholson asked if the debris staging areas have been defined. Mr. Herrera stated that two staging areas are usually used; the major staging area is a mulch lot on the beach before the marina. However, the PLCA has been relying a lot on the beach parking lot, which has concrete and allows for easier truck access and exit; thereby reducing damage to the mulch. The

CDDs have been gracious in helping count the trucks coming in to drop off debris.

Mr. Cramer thinks it is the responsibility of the PLCA to provide the information; he

discussed the CDDs' work with the PLCA and offered to work with Mr. Herrera.

Mr. Herrera stated that he takes this position because he normally attends numerous webinars and seminars; however, those tools were not available this year due to governmental cutbacks in the programs providing that type of information, so he is not up to date with current procedures. Many local meteorologists are expressing the same thing; he is unsure if he will have the capability due to the elimination or lack of the same tools being available in the present and

future compared to what was available in the past.

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Nicholson, with all in favor, authorizing Mr. Cramer to work with the PLCA on hurricane preparedness matters, was approved.

On MOTION for Bay Creek by Ms. McVay and seconded by Mr. Addison, with all in favor, authorizing Mr. Cramer to work with the PLCA for hurricane preparedness matters, was approved.

FIFTH ORDER OF BUSINESS

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

Mr. Kayne stated the annual sluice gate observation was completed at the end of March. He will review a draft report and submit it to Management by the end of the week. It was noted that one structure is missing a chain and lock and another structure requires maintenance. Mr. Kayne stated that staking was done for the swale regrading at the outfall bubble up structure in

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Palermo. Staff inspected the work done by MRI. MRI's work looked good but other items remaining from the initial report were brought to the attention of the District Manager.

Mr. Adams noted that Staff will identify and address the missing chain and lock and address maintenance items. Upon receipt, the report will be forwarded to Mr. Kemp. The major tree was removed from Palermo and a smaller tree that was left behind will be removed.

Mr. Cramer commended MRI's work on the riprap. He stated that he discussed other work to be done in the area and asked if MRI will perform the rest of the work. Mr. Adams replied affirmatively and noted that an inspection report is forthcoming. A hole in the road in front of Palermo was caused by breaks at a drainage pipe joint under the road. Those were patched and the hole was filled; a proposal for lining the pipe will be presented at an upcoming meeting.

## SIXTH ORDER OF BUSINESS

Treatment Report: March2025 - Superior Waterway Services, Inc. (Andy Nott)

Mr. Nott presented the monthly Treatment Report and reported the following.

- Algae and submersed weeds increased in March.
- Several lakes were treated for submersed weeds, primarily slender spike rush.
- Water levels are dropping, hampering treatment as dying material has nowhere to go.
- Many lakes have algae and will be retreated as necessary.
- Lake E-15 has been problematic due to low water levels and, if not resolved, a crew will remove plant material in the coming weeks.
- He followed up on a resident's concern about excessive spraying; his lake was checked and there is no evidence of excessive spraying or dead material. Some material died out due to water fluctuation. The littorals could be fuller, but that lake does not have much exposed bank.

#### SEVENTH ORDER OF BUSINESS

## **Committee Reports**

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

  This item was removed from the agenda.
- B. PLCA Landscape Committee: Presentation of Request for Fund for Surveyor Fees to Determine Slopes

The title of this item is just "PLCA Landscape Committee".

Resident and PLCA Landscape Committee Chair Cheryl Hughes stated her team worked closely with Mr. Kemp and Mr. Hoppensteadt. The PLCA decided to hire an engineering firm to examine the slope of the Pennyroyal berm, which would have been the Committee's primary 2025 project. Work will be suspended pending further direction from the PLCA. Other projects include work at Waterside, at the north gate and at the cottage berm. Mr. Kemp will help the Committee direct these projects. Projects and priorities will be adjusted at the next meeting; it is hoped that issues at Bay Cedar about the view will be addressed. She noted that Ms. Paula Rush is the Board liaison.

Mr. Cramer offered to share the Pennyroyal berm plans, which include the slopes, and suggested that be considered before another contractor is engaged. He stated Mr. McCarthy also has information and plans that can be considered before additional contractors are hired. He stated the same holds true for the Tennis Center; all the engineering work is available.

Ms. McVay voiced her opinion that the southern gate is used the most and that area needs to be refreshed; she does not consider 10' of mulch as a feature.

Mr. McCarthy asked for a Landscape Committee member to visit the Waterside homes at night to see the noise and lighting impacts on homes along the street on the Coconut Road side.

Discussion ensued regarding how the PLCA and the Landscape Committee prioritize projects, prioritizing severely impacted homes and the Landscape Committee's goal of using the funds as fairly and transparently as possible.

Ms. McVay noted that many of Bay Creek's bushes were killed during Hurricane Ian and she thinks they should be replaced by the PLCA.

Ms. Montgomery supports protecting and enhancing basic livability standards for each community, without exception, and then addressing the aesthetics of the berms and circles.

Mr. Travers believes that all homeowners pay the same fees and receive the same benefits, regardless of which entry gate is used.

Mr. McCarthy noted that affected homeowners received feedback from potential buyers and real estate agents regarding the impacts to their properties.

Mr. Cramer stated that, following the discussion at the last meeting, he drove through the area in question on several evenings and observed high-intensity lighting at the Tides, across the way that runs parallel with the roadway. In his opinion, that area needs to be looked at. He offered to speak with the new General Manager to discuss whether the dusk to dawn security lights can be adjusted.

Discussion ensued regarding limited options for new lighting in Las Palmas, the need to report those lights that do not meet current standards, the need to address dying foliage that fails to provide privacy and the limitations of the Landscape Committee's authority.

## C. Colony Landscape Committee

The Colony Landscape Committee Report was included for informational purposes.

Ms. Gravenhorst noted that Colony Landscape Committee President Bob Loos asked for all storm drains along the road from the north gate to the Bay Club to be inspected to avoid an issue like the one in Palermo. Mrs. Adams stated the MRI inspections are done in three phases for the entire community. The Colony was done two years ago and will be done again in another year; a lot of money was spent on drainpipe repairs last year.

Ms. Gravenhorst asked the CDD to fill the vacancy created by the retirement of a long-time supervising assistant with an individual who is experienced with plants and crew management. Mr. Adams stated that Staff is doing that; the goal is for the person who is currently shadowing another team member to be in place by August 1, 2025.

On MOTION for Bayside by Ms. Gravenhorst and seconded by Mr. Nicholson, with all in favor, hiring an experienced supervising assistant, was approved.

**Discussion: Maintenance Site Updates** 

## **EIGHTH ORDER OF BUSINESS**

Mr. Adams stated that the contract for the last item, repaving the parking lot and adding the concrete waste area, was executed. Mr. Kemp discussed a slight delay related to the asphalt and noted that paving should be scheduled by the end of the week. Mr. Adams stated that the goal is for paving to occur from a Friday into a Saturday; milling would begin at 11:00 on Friday and repaving would be done on a Saturday. Mr. Kemp stated that some of the equipment will be

parked at the beach parking lot over that weekend and landscape trimmings will be stored at the beach parking lot for up to two weeks while the concrete cures.

Mr. Cramer voiced his opinion that the appearance of the facility improved dramatically and it looks very professional. He hopes traffic will be controlled and work vehicles will be well lit during the project.

#### NINTH ORDER OF BUSINESS

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

The Monthly Year-End Financial Forecast was distributed and discussed in conjunction with the Unaudited Financials.

#### **ELEVENTH ORDER OF BUSINESS**

Acceptance of Unaudited Financial Statements as of March 31, 2025

Discussion ensued regarding Bay Creek's revenues and monthly expenditures of \$6,500 per month and the need to find another method of funding the Enterprise Fund. Increasing the assessment levy amount and irrigation water sales were discussed.

Mr. Adams stated he is working on the preliminary Fiscal Year 2026 budget; the \$7.00 monthly fee helps but revenue must be stabilized via a hybrid approach, as assessment revenue is already collected and water usage will be decreasing.

Discussion ensued regarding historical water usage, revenue collection and expenditures.

Mr. Adams stated that he will increase the assessment levy for the Enterprise Fund.

The financials were accepted.

## **TWELFTH ORDER OF BUSINESS**

Approval of March 24, 2025 Joint Regular Meeting Minutes

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

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

## THIRTEENTH ORDER OF BUSINESS

## **Action/Agenda Items**

Mr. Travers voiced his belief that the Action Item 1, on Page 3, marked completed after the 03.24.25 meeting is not completed, as the homeowner reported that all the dead trees were not removed. Staff members stated that all trees that were eligible to be removed were removed. The area is a preserve; therefore, only trees that could fall on a structure are eligible for removal. Out of an abundance of caution, the tops of tall trees will be trimmed to reduce liability. Staff will reinspect the area and advise the homeowner accordingly.

No other Action/Agenda Items were 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 provided the Ethics Training Requirements Memorandum containing additional course offerings.

The Board and Staff discussed the links and course offerings.

- Mr. McCarthy asked for the email to be resent to the Board Members.
- Mr. Cramer asked if HOA Committees are required to complete Form 1. Mr. Urbancic stated that they are not, as they are not elected officials.
- B. District Manager: Wrathell, Hunt and Associates, LLC
  - I. Monthly Status Report: Field Operations
  - II. NEXT MEETING DATE: May 19, 2025 at 2:00 PM [Presentation of FY2026 Proposed Budget]
    - O QUORUM CHECK: BAYSIDE IMPROVEMENT CDD

## QUORUM CHECK: BAY CREEK CDD

All Bayside Supervisors confirmed their attendance at the May 19, 2025 meeting.

Bay Creek Supervisors Addison, Janek, McVay and Durney confirmed their attendance at the May 19, 2025 meeting. Supervisor Travers might attend or participate by telephone.

#### SIXTEENTH ORDER OF BUSINESS

#### **Supervisors' Requests**

**Public Comments: Non-Agenda Items** 

Ms. McVay asked if Staff was able to find "Attachment A" related to hurricane preparedness through the PLCA. Mrs. Adams stated that no Exhibit A exists.

Mr. Durney asked about the south entrance median end cap landscaping. Mr. Kemp stated that sod will be installed when water is sufficient to keep it irrigated; bromeliad flower beds will be omitted. Mulch beds were installed on Pelican's Nest Drive; tree rings were shrunk and will be sodded in June or July.

Mr. Adams stated that he and Mr. Kemp will ask RCS to provide additional irrigation water flow, as the holding pond level is very low due to high usage.

Mr. Janek stated the monument lighting at Costa Del Sol was not repaired. Mr. Kemp stated he reported it several times; he will follow up with the contractor.

Several Board Members thanked Mr. Nicholson for his years of service and discussed his contributions to the CDD and stated that he will be missed.

Mr. Nicholson thanked all the CDD Board Members for their friendship and teamwork during his years of service on the Board.

#### SEVENTEENTH ORDER OF BUSINESS

Resident and Southbridge Condo Association President Alan Smith asked for trees on the creek bank to be trimmed before storm season. He noted that debris impedes water flow. Mr. Adams stated the CDDs are limited in what can be done because the creek area is part of a conservation area subject to an environmental permit; vegetation management and control is not allowed, as conservation areas must remain in their natural state.

Discussion ensued regarding the map and a \$20,000 penalty imposed on a resident for unauthorized removal of vegetation in a conservation area adjacent to their home.

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Resident and Southbridge and Baycrest President Jamie Grofik asked if there are any plans

for the CDD or the PLCA to replace some of the hedge that was removed in conjunction with the

renovation along 41 south, as residents complain about light and sound in their backyards. Mr.

Kemp stated that the hedges were replaced with Clusia shrubs that will fill in; there are no plans

to plant new hedges in those areas. Along the Greenview Berm, the Arboricola hedge will be

allowed to grow taller.

Ms. Grofik asked about the irrigation water source. Mr. Kemp stated that most of the

water comes from wells, for which the CDDs have permits from the South Florida Water

Management District (SFWMD). Four shallow wells pump water into one of the three connected

lakes and approximately 250,000 gallons per day is reclaimed water. A pump station at the golf

course operates on that irrigation system and also receives reuse water from RCS.

An El Dorado resident whose property recently began flooding when new CDD

construction began suggested a drainage pipe could reroute water to the CDD retention pond.

Mr. Adams discussed elevation issues that would prevent draining water to the retention

pond and suggested the resident consider regrading his property and working with the neighbor

to the south of him. He does not think the CDD can do anything to help, as the CDD maintenance

facility is surrounded by a berm.

**EIGHTEENTH ORDER OF BUSINESS** 

Adjournment

The meeting adjourned at 3:28 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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# FOR BAYSIDE IMPROVEMENT:

Secretary/Assistant Secretar

Chair/Vice Chair

FOR BAY CREEK:

Secretary/Assistant Secretary