

**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 June 23, 2025 at 2:00 p.m., at the Pelican Landing Community Center, 24501 Walden Center Drive, Bonita Springs, Florida 34134. Members of the public may participate in the meeting, via Zoom, at <https://us02web.zoom.us/j/84137772934>, or 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
Gail Gravenhorst	Assistant Secretary
Karen Montgomery	Assistant Secretary

Present for Bay Creek CDD:

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
Cheryl Hughes	Resident/Pelican Landing Landscape Committee Chair
Bradley Warne (via phone/Zoom)	Resident
Dean A. Francis	Resident
Richard J. McPhail	Resident
Members of the public	

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 McVay, Travers, Durney and Addison were present. Supervisor Janek was not present. Supervisor Nicholson did not attend this meeting as he submitted his resignation, which will be considered later in the meeting.

For Bayside Improvement CDD, Supervisors McCarthy, Cramer, Gravenhorst and Montgomery were present.

Mr. McCarthy stated that the Fourth, Fifth, Sixth and Seventh Orders of Business are related to only the Bayside Improvement CDD and will be addressed following the Sixteenth Order of Business.

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

No members of the public spoke.

BAYSIDE IMPROVEMENT CDD ITEMS

FOURTH ORDER OF BUSINESS

Acceptance of Resignation of William Nicholson [Seat 5]

This item was presented following the Sixteenth Order of Business.

FIFTH ORDER OF BUSINESS

Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 5; Term Expires November 2028

- A. Bradley Warne**
- B. Cheryl Hughes**
- C. Dean A. Francis**
- D. Richard J. McPhail**

This item was presented following the Sixteenth Order of Business.

SIXTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisor (the following to be provided in separate package)

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

This item was presented following the Sixteenth Order of Business and was deferred.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2025-04, Electing and Removing Officers of the District and Providing for an Effective Date

This item was presented following the Sixteenth Order of Business and was deferred.

JOINT BUSINESS ITEM(S)

EIGHTH ORDER OF BUSINESS

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

There was no report.

NINTH ORDER OF BUSINESS

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

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

- On June 10, 2025, slender spike rush was treated with contact herbicide at multiple lakes with excellent results. Treatments will be repeated as water levels rise.
- Sedge plants were removed from the Spring Creek Circle as they do not absorb herbicide well.

The consensus was that the lakes look very good.

TENTH ORDER OF BUSINESS

Committee Reports

- A. PLCA Landscape Committee**

Ms. Hughes reported the following:

- The PLCA is engaging a new, highly recommended vendor to improve the cottages' berm, as requested by Mr. Kemp.
- Determining the most appropriate plant materials to use on the corner of Bay Creek and on the Peppermill berm facing Coconut Road is being debated. Mr. Kemp has worked with Dave Johnson and Al O'Donnell. Ms. Hughes believes that Palms will be used to shade the resident view. Quotes are expected within the next week.
- A new member with a degree in landscape architecture asked for the Waterside entrance to match the well-maintained entrance of their neighbors to the south. Bids will be solicited.
- The PLCA has a new Board member and a new Board liaison and lost two Committee members.

Discussion ensued regarding the scope of work.

Ms. Gravenhorst recalled that a portion of the area to be redone belongs to the cottages and a portion is common area. Ms. Hughes stated the work to be done is in the common area.

Mr. Cramer asked for graphics for the project, as the CDD and the cottages are each responsible for irrigation in the area. He expressed concern with the Landscape Committee's actions and processes as he has never seen any Requests for Proposals (RFP).

Ms. Hughes discussed the approval processes and stated that Mr. Kemp is involved with all projects; three bids are required for all projects over \$10,000, and the Finance Committee and Board Liaison issue final approvals.

Mr. McCarthy asked who currently serves on the Landscape Committee. Ms. Hughes stated the other Committee members are Gary Durney, Randall Perry, Barbara Frank and a new member Andrea Psaras; there are five members.

B. Colony Landscape Committee

The Colony Landscape Committee Report was included for informational purposes.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of May 31, 2025

Mr. Durney expressed concern that the Bay Creek Enterprise Fund might go negative. Mr. Adams stated, if that were to occur, funds would be transferred from the ICS or Money Market funds; money can be moved in and out up to five times per month with no penalty. It was noted

that \$18,600 in receivables are shown on the Balance Sheet; the check was received but not deposited as of May 31, 2025.

Regarding line items in which budgeted funds were not expended, Mr. Durney asked if the work was delayed or not completed. Mr. Adams stated that, in some cases, Staff will delay nonessential expenditures to account for other line items that exceed the amount budgeted.

Mr. Adams will advise Accounting to allocate the assigned percentage for tree trimming to the Enterprise Fund.

Mr. Durney stated he still has some issues with billing and meter costs; he thinks that discussion is more appropriate for the workshop next month. Mr. Adams stated that he researched the matter and found that the direct invoicing from the billing entity is just under \$40,000 per year, or approximately \$3,300 per month. The difference between that and the approximate \$4,000 monthly charge is the cost of outsourcing the printing, mailing and posting of the bills, which is approximately \$700.

Mr. Durney thinks the billing process needs to be reconsidered. Mr. Adams discussed the history with this billing entity and the drawbacks to billing less frequently.

The financials were accepted.

TWELFTH ORDER OF BUSINESS**Approval of May 19, 2025 Joint Regular Meeting Minutes**

The following change was made:

Line 95: Change "Waterside" to "Tides"

On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Travers, with all in favor, the May 19, 2025 Joint Regular Meeting Minutes, as amended and to include any changes submitted to Management, were approved.

On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, the May 19, 2025 Joint Regular Meeting Minutes, as amended and to include any changes submitted to Management, were approved.

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

It was noted that all items remain ongoing.

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 reminded the Boards of the requirement to file Form 1 by the end June and to complete the required ethics training by the end of the year.

B. District Manager: Wrathell, Hunt and Associates, LLC**I. Monthly Status Report: Field Operations****II. UPCOMING MEETINGS****➤ July 18, 2025 at 9:00 AM [Budget Workshop]**

Mr. Adams suggested devoting the first hour of the Budget Workshop for the joint workshop with the PLCA and then proceeding to the Budget Workshop. He will consult Mr. Hoppensteadt following the meeting, poll both groups and email the Boards accordingly.

➤ July 28, 2025 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 July 18, 2025 workshop and July 28, 2025 meeting. Supervisor Montgomery will participate in the Regular meeting via Zoom.

SIXTEENTH ORDER OF BUSINESS**Supervisors' Requests**

Mr. Durney recalled asking the PLCA for input regarding flowers and mulch. At the Landscape Committee meetings, many questioned why the CDDs involved the PLCA in this matter since these items are in the CDDs' budgets.

Mr. Adams stated it is a PLCA question because it is a standard, and the PLCA is the owner of the program; the CDDs are only the maintenance entity. The standard would need to be changed at the owner's level by the PLCA; the PLCA just needs to understand that the funding comes from the CDDs' budgets, not the PLCA budget.

Discussion ensued regarding decreasing flower planting rotations from three times per year to two and the need for communication between the CDDs and the PLCA.

Mr. Adams stated the PLCA would need to approve the reduction of the standard with the knowledge and approval of the owner, the PLCA.

Mr. Cramer stressed the importance of the communication between Staff, the Landscape Committee, the PLCA and the CDDs. He noted that things have been done or approved in meetings by past decisionmakers; the key is working together and understanding the standard. Mr. Adams stated that issues occurred in the past, before things were formalized; since the Agreement was signed, the CDDs have taken the position that the PLCA will make and/or approve the selections and the CDDs will carry them out.

Discussion ensued regarding annuals removed from medians that will be replaced by grass. Mr. Adams stated his understanding that Mr. Kemp provided the proposal to the Landscape Committee and it went up the chain of command. Ms. Gravenhorst believes The Colony Landscape Committee would like to do the same thing. It was noted that Mr. Kemp was added to the Landscape Committee because most landscaping requires irrigation; he provides valuable information that needs to be shared at CDD meetings, and the Boards make the decisions.

Discussion ensued regarding changes to the timing and frequency of flower plantings by The PLCA and The Colony.

Mr. Adams stated that The PLCA had flowers planted twice per year for the first 20 years. A few years ago, when the Landscape Committee began, annuals increased to three times per year and The Colony planted annuals three times per year. Annuals were historically planted in winter, and perennials were planted in summer. Pentas were typically selected for their ability to handle both heat and water. Each crop of plants generally lasted five months; crops were generally changed in October/November and May/June. This year, plantings occurred twice, at Mr. Kemp's suggestion to the Landscape Committee, although three were programmed.

Regarding the consensus that twice per year is inadequate, Mr. Adams stated that is why the draft Fiscal Year 2026 budget includes three. Ms. Gravenhorst discussed the importance property owners place on the appearance of the annuals. She noted that the drought has been a challenge, resulting in numerous resident complaints. She suggested this be kept in mind if the PLCA wants to continue planting twice per year. Mr. Adams stated that twice per year plantings were successful for many years; however, the selections are important and more delicate plantings should be avoided. Ms. Gravenhorst noted that the CDDs pay for the flowers; if the

selected flowers do not live, it creates a problem for the CDDs. It was noted that plantings occurred in October, January and June on the three times per year schedule.

In response to a resident complaint about plantings being removed when they still appear beautiful, Mr. Adams stated that the CDD contracts with the nursery to procure the volume of flowers the needed and, when the new crop of flowers is ready, the old flowers must be removed.

Ms. Hughes stated that Mr. Kemp brought the suggestions to the Landscape Committee and the Committee discussed and accepted the suggestions but never directly asked the PLCA Board as they were never told of the need to do so. She apologized for the disconnect and stated that was not the Committee's intention.

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

BAYSIDE IMPROVEMENT CDD ITEMS

- **Acceptance of Resignation of William Nicholson [Seat 5]**

This item, previously the Fourth Order of Business, was presented out of order.

On MOTION by Ms. Montgomery and seconded by Ms. Gravenhorst, with all in favor, the resignation of Mr. William Nicholson from Seat 5, was accepted.

- **Consider Appointment of Qualified Elector to Fill Unexpired Term of Seat 5; Term Expires November 2028**

This item, previously the Fifth Order of Business, was presented out of order.

Mr. McCarthy recalled that, in the past, candidates are typically asked to leave the room voluntarily while candidates present themselves to the Board and while the Board holds discussions. Mr. Urbancic stated, while the meeting is public, each candidate can leave the meeting voluntarily as a professional courtesy to the other candidates.

It was noted that Mr. Warne was participating via Zoom.

The candidates left the meeting room and would be called in individually.

A. Bradley Warne

Mr. Warne introduced himself and noted that he has been a full-time resident since 2019, but spends two months per year up north. He discussed his background and experience in Civil Engineering, beginning with City management working with stormwater and wastewater

management and construction projects before moving on to sales management. For the last 16 years of his career, he managed a District Office for a pharmaceutical company.

Mr. Warne responded to questions and noted that he holds a bachelor's degree in environmental and civil engineering. He discussed his interest in assisting with storm sewer issues. He has managed a budget of approximately \$500,000 and has been responsible for approximately \$6 million in sales. He stated that Mr. Bob Loos encouraged him to apply to serve on the Board because of his experience with lakes and stormwater drainage.

B. Cheryl Hughes

Ms. Hughes introduced herself and noted that she has been a homeowner since 2013 and a full-time resident since 2017. She was a financial advisor for 31 years. She discussed her service on the Design Review Committee and on the Landscape Committee, which she has chaired for over three years. She has enjoyed working with the CDDs. She also serves on The Colony's Board of Directors, which supports her application to serve on the CDD Board.

Ms. Hughes responded to questions and noted that she holds a bachelor's degree in education and she received the Certified Financial Planner designation. She noted that the properties are aging and stated, as she gains experience, she believes she can contribute by personally advocating for the CDD. She also served on the Ponza Board; Treviso Board, where she served on the Finance Committee; and on The Colony Finance Committee for one year before running for its Board.

Mr. McCarthy discussed the Sunshine Law requirements, the financial disclosure and continuing educational requirements. Ms. Hughes discussed her experience maintaining confidentiality and stated that she is aware of the requirements and is prepared to meet them.

Ms. Gravenhorst stated she was initially concerned about the Sunshine Law requirements given her friendship with Ms. Hughes but expressed her confidence in their ability to abide by the Sunshine Law, given Ms. Hughes' organization, transparency and ethics and their attitudes. Ms. Gravenhorst expressed her confidence in Ms. Hughes. Asked how she would handle her multiple Board positions, Ms. Hughes stated she would resign from the PLCA Board if appointed to the CDD Board due to the potential for a conflict of interest.

Asked if there is a potential conflict related to Ms. Hughes' service on The Colony Board, Mr. Urbancic stated there is no prohibition in the law. He discussed the Sunshine Law and noted steps that can be taken to avoid conflicts.

C. Dean A. Francis

Mr. Francis introduced himself and stated he forwarded his curriculum vitae to the Board. He discussed his past service on HOA Boards, including the Long Lake Village Board, and stated he has been attending CDD meetings for over one year. He discussed classes he is taking, including landscape, irrigation and stormwater management. His past Board experience includes serving on HOA Boards, a professional Condo Association, a building, a Master Association for several buildings, and a local Chamber of Commerce.

Mr. Francis responded to questions and noted that his budgeting experience includes managing his dental office for 40 years, managing staff and serving as the head of a multi-doctor practice. As President of the HOA, he reviewed the Reserve Study and noted that it had not accounted for inflation; he reverse engineered the Reserve Study using spreadsheets, saving the cost of a new study. He thinks he could bring knowledge of landscaping and irrigation, how it works within the community and how to get things done. He is a full-time Florida resident and has lived in Pelican Landing. He discussed his experience starting a Presidents' Council for preferred vendors. He understands the Sunshine Law and the continuing education and financial disclosure requirements.

D. Richard J. McPhail

Mr. McPhail introduced himself and noted that he has been a full-time resident for 22 years. His career has been spent working with Developers and maintaining properties and infrastructure with an eye toward perfection to support new home sales. He discussed his experience, including working with Bonita Bay Group and Shadow Wood, Commons Club, Beach Club and Shadow Wood Preserve. His areas of expertise include landscaping, irrigation, commercial irrigation, recycled water and golf course management.

Mr. McPhail responded to questions and discussed his financial and budgeting experience and his desire to contribute his expertise in service to the community. He understands the Sunshine Law and the continuing education and financial disclosure requirements. He is familiar with CDDs, having been the General Manager of The Brooks.

Discussion ensued regarding the desire for the new Board Member to be a resident of The Colony. The Board Members discussed the candidates' qualifications, previous Board experience, budgeting experience and community involvement.

The consensus was that Ms. Hughes and Mr. Francis are the top two candidates, based on current service to the community and previous Board experience.

After further discussion it was determined that a vote for either candidate would result in 2-2 stalemate.

Mr. Cramer advised the Board of a plan to buy property in the vicinity of the PLCA swale by the monument to obtain a rebate from a cellular tower. Mr. Adams stated that the area in question is included in the conservation easement.

Resident Ann Cramer stated that, during the Finance Committee meeting, Paula Rush indicated that the Telecommunications Task Force advised that a company is considering installing a cellular tower in the area of the south entry monument or at the beach parking lot, potentially to benefit properties in the new London Bay development. The company apparently offered to pay Pelican Landing \$50,000 just to allow an evaluation. Ms. Cramer stated that Ms. Rush raised the issue because she did not want something like this to happen behind the scenes and voiced her opinion that it would look awful at the front entrance and diminish home values.

Mr. Cramer stated that Pelican Landing sent a notice indicating that anyone interested in the new London Bay property to be developed could attend a meeting. He attended the meeting on June 19, 2025 and signed in to reserve the right to speak in the future because the CDDs' maintenance facility is on the border of Coconut Road. His concern is for the employees of the CDDs; the traffic pattern will increase considerably, and some drawings appear to indicate that the entrance to the new development area could be right across from The Colony.

The candidates returned to the meeting room.

Mr. McCarthy explained that, after deliberation, the Board was unable to come to a decision; however, the Board determined that Mr. Warne and Mr. McPhail were eliminated from consideration. This item was deferred to the July 28, 2025 meeting. He thanked the candidates for their interest and encouraged the candidates to continue participating in meetings.

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

No members of the public spoke.

EIGHTEENTH ORDER OF BUSINESS**Adjournment**

On MOTION for Bayside by Ms. Gravenhorst and seconded by Ms. Montgomery, with all in favor, the Bayside Improvement CDD meeting adjourned at 4:27 p.m.

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

June 23, 2025


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair