

**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 July 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 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
Gail Gravenhorst	Assistant Secretary
Karen Montgomery (via phone/Zoom)	Assistant Secretary

**Present for Bay Creek CDD:**

James Janek (via phone/Zoom)	Chair
Robert Travers	Vice Chair
Gary Durney	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		
Jim Hoppensteadt	Pelican Landing General Manager		
Andy Nott	Superior Waterway		
Brenda Radford (via phone/Zoom)	M.R.I. Inspection LLC		
Ben Steets (via phone/Zoom)	Grau & Associates		
Cheryl Hughes	Resident/Pelican	Landing	Landscape
	Committee Chair		
Gina Hanft	Resident/Secretary	Colony	Foundation
	Board		
Bradley Wayne	Resident		
Dean A. Francis	Resident		
Anne Cramer (via phone/Zoom)	Resident		

Jack Lienesch  
Ted Gravenhorst  
Bill Ribble  
Members of the public

Resident  
Resident  
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 Durney, Travers and Addison were present. Supervisor Janek was not present at roll call. Supervisor McVay was not present.

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

**On MOTION for Bayside by Ms. Gravenhorst and seconded by Mr. Cramer, with all in favor, authorizing Karen Montgomery's attendance and full participation, via phone/Zoom, due to exceptional circumstances, was approved.**

Mr. McCarthy stated he is repositioning certain agenda items throughout the meeting.

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

Resident and Secretary of The Colony Foundation Board Gina Hanft expressed The Colony Foundation Board's concern about stormwater management and its impact on the proposed Fiscal Year 2026 budget, based on the current M.R.I. Inspection Report indicating an urgent need for correction. She urged the Bayside Board to consider this Report carefully when deciding Mr. Nicholson's replacement and the expertise needed, in light of what this Report reveals.

The County Foundation Board requested the following:

- Immediate remediation of all sites with blockages over 45%, in light of hurricane season;
- Include funds to address all blockages indicated as being 25% in next year's budget.

➤ Implement a new CDD wide process for ongoing inspection, maintenance and accountability to avoid this issue in the future.

Resident Ted Gravenhorst expressed support of the Bayside CDD Board's actions reducing the candidates from four to two to fill the vacant seat. He urged the Board to ignore The Colony's attempt to manipulate this process and proceed as publicly noticed in today's agenda to choose Cheryl Hughes to continue The Colony's representation on the Bayside CDD Board.

Resident Bill Ribble supports appointing Cheryl Hughes to the Board. He thinks Board Members should be a full-time resident and the Board should reconsider allowing Board Members attend meetings via phone/zoom.

Resident and Pelican Landing Landscape Committee Chair Cheryl Hughes stated she was honored to have residents supporting her candidacy. She thanked the Board considering her for the position and thinks all the candidates are great.

In response to Mr. Gravenhorst's earlier claim regarding manipulation, Resident Anne Cramer stated the statement Ms. Gravenhorst included in the communication to the CDD indicating that "The Colony Foundation Board (CFB) voted unanimously in favor of supporting Cheryl Hughes to the Board" was not correct, as The CFB did not support any specific candidate at its last meeting. Ms. Gravenhorst stated her statement in the Report was accurate, as The CFB unanimously voted to try to have a representative from The Colony Board on the CDD Board at its last meeting, and supported Ms. Hughes. She explained the circumstances regarding the other candidates, Mr. Voderman and Mr. Wayne, which is why she misconstrued the statement as inaccurate.

**Mr. Janek joined the meeting at 2:17 p.m., via phone/Zoom.**

<p><b>On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Travers, with all in favor, authorizing Mr. Janek's attendance and full participation via phone/Zoom, due to exceptional circumstances, was approved.</b></p>
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Resident Jack Lienesch requested an easement to install a concrete pad and underground wiring required for the proposed traffic signal at the north gate. He distributed the signalization site plan. It was noted that, per the Property Appraiser's website, the PLCA owns the property not the CDD.

Discussion ensued regarding suggesting alternate locations for installation and coordinating the project with London Bay.

**BAYSIDE IMPROVEMENT CDD ITEMS**

**FOURTH ORDER OF BUSINESS**

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

- A. Cheryl Hughes**
- B. Dean A. Francis**

This item was presented following the Twentieth Order of Business.

**FIFTH ORDER OF BUSINESS**

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

This item was deferred.

- 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**

**SIXTH ORDER OF BUSINESS**

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

This item was deferred.

**SEVENTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2024, Prepared by Grau & Associates**

- A. Consideration of Resolution 2025-05, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2024**

These items were presented during the Eleventh Order of Business.

**BAY CREEK BUSINESS ITEMS**

**EIGHTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report  
for Fiscal Year Ended September 30, 2024,  
Prepared by Grau & Associates**

**A. Consideration of Resolution 2025-06, Hereby Accepting the Audited Financial Report for  
the Fiscal Year Ended September 30, 2024**

These items were presented following the Eleventh Order of Business.

**JOINT BUSINESS ITEM(S)**

**NINTH ORDER OF BUSINESS**

**Review/Discussion: Budget Workshop  
Revisions to FY2026 Budget**

Mr. Adams stated that he incorporated the changes to the Fiscal Year 2026 budget that were discussed at the workshop meeting. He distributed and presented the revised Assessment Tables, on Pages 25 and 26, showing the resulting effects of those changes; it also includes a percentage change in Fiscal Year 2025. It will be necessary to send mailed notices to the Bay Creek CDD property owners, as their assessments will increase, but not to the Bayside CDD owners, as their maximum assessment amount on the prior mailed notices was sufficient.

Mr. Durney asked if there were adjustments made to the billing rate structure. Mr. Adams stated he is waiting on that information and that the Operations and Maintenance (O&M) budget can be adjusted up until the budget is adopted at the public hearing.

**TENTH ORDER OF BUSINESS**

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

There was no report.

**ELEVENTH ORDER OF BUSINESS**

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

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

- Completed lake inspections on July 14, 2025. Treatments are scheduled for Lakes D3A, D14, D12 and D11 on July 21, 2025.
- The second round of water testing of Lakes A-1, A-2, A-16, A-17, D-8, F-16, A-26 at outfall and T-1 canal are scheduled for Thursday or Monday. The results will be presented at the next meeting.
- Having difficulty treating certain lakes due to limited access. The homeowner will not allow accessing Lake A-23 via his property.

Mr. Nott was asked to provide a list of all the easement areas in order to send letters to the homeowners.

- **Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2024, Prepared by Grau & Associates**

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

Mr. Steets presented the Bayside CDD Audited Financial Report for the Fiscal Year Ended September 30, 2024 and noted the pertinent information. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit, the financial statements are fairly stated and in accordance with U.S. Generally Accepted Accounting Principles (GAAP).

- **Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2024, Prepared by Grau & Associates**

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

Mr. Steets presented the Bay Creek CDD Audited Financial Report for the Fiscal Year Ended September 30, 2024 and noted the pertinent information. The main difference for the Bay Creek CDD is Note5-Interfund Receivables, Payables and Transfers, which shows an interfund balance at year end. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit; the financial statements are fairly stated and in accordance with U.S. Generally Accepted Accounting Principles (GAAP).

- **Consideration of Resolution 2025-05, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2024**

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

**On MOTION for Bayside by Ms. Gravenhorst and seconded by Mr. Cramer, with all in favor, Resolution 2025-05, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2024, was adopted.**

- **Consideration of Resolution 2025-06, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2024**

**This item, previously Item 8A, was presented out of order.**

**On MOTION for Bay Creek by Mr. Travers and seconded by Mr. Addison, with all in favor, Resolution 2025-06, Hereby Accepting the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2024, was adopted.**

- **Discussion/Consideration: M.R.I. Inspection LLC: Storm Water System Cleaning Proposal [Bayside]**

**This item was an addition to the agenda.**

Mrs. Adams distributed and Ms. Radford presented the M.R.I. Inspection LLC (MRI) Estimates for storm structure cleaning services of 25%, 35% and 45% blockage, as listed in the proposals. Ms. Radford responded to questions regarding crews having difficulty opening the manholes for certain control structures or inability to locate them and identified grates that are deteriorating, as outlined in the Inspection Report.

**Mr. McCarthy opened public comments.**

Ms. Hughes asked if there is sufficient budget to proceed with the project. Mr. Adams recalled the Boards' decision to conduct the inspection. He recalled The Colony structures with 50% blockage were cleaned two years ago and of the decision several years ago to perform inspections on a three-year rotation. Mrs. Adams recalled The Colony's willingness to incur the cost of inspection, as the CDD's three-year rotation criteria does not occur this year and funds were depleted to cover repair costs; it can also decide to incur the cost to clean its structures.

Mr. Adams asked Mr. Kayne to give an overview of how the drainage systems are designed and how they operate during a storm. Mr. Kayne stated the system is designed for the roads to carry water during five and 10-year storm events, over a certain amount of time. The Florida Department of Transportation (FDOT) Maintenance Rating Program Standard suggests that side and cross drains remain 60% cleared, which means cleaning structures once they reach 40%, he recommends the 25% threshold; it is up to the Boards to decide on the level of service.

Mr. Ribble voiced frustration with the issue at Coconut Grove. He thinks the solution is to engage a reputable vendor that does a good job that does not require being called in a month, six months or a year. Mrs. Adams and Mr. McCarthy disagreed with Mr. Ribble's inference and stated that MRI has been an excellent vendor for the CDDs for over a decade.

Regarding a comment that The CFB Board was willing to incur the cost for the inspection but not the cleaning, Mr. Adams stated the CDDs can choose to use The Colony surplus 002 fund balance to fund the project. Ms. Hughes stated The CFB expects to proceed with 45% cleanup this year and 25% next year.

Discussion ensued regarding whether to intensify the current maintenance program to eliminate debris that enters the storm drains, determining the appropriate level of service and the decision to increase the budget to cover these issues.

**On MOTION for Bayside by Mr. Cramer and seconded by Ms. Gravenhorst, with all in favor, utilizing General Fund 002 Fund surplus fund balance to address the 45% storm structure cleaning this year for those that are on schedule to be inspected and cleaned next year to address 25% blockage, as outlined in M.R.I. Inspection LLC Estimate #5831 for 45% Storm Structure Cleaning at The Colony, in a not-to-exceed amount of \$24,800, and incorporate a new budget line item for Fiscal Year 2027, was approved.**

## **TWELFTH ORDER OF BUSINESS**

### **Committee Reports**

#### **A. PLCA Landscape Committee**

Ms. Hughes stated that The CFB approved several projects, including the Waterside entrance, north gate area near the entry gate, Peppermill berm facing Coconut Road and replenishment of the Bay Cedar neighborhood.

Mr. Cramer voiced concern that the CDDs are not receiving copies of the plans or invoices. Since it was noted as a CDD expense, Mr. Kemp stated that none of the plans are formalized without his blessing. Mr. Durney suggested Mr. Cramer attend the Committee meetings.

#### **B. Colony Landscape Committee**

The Colony Landscape Committee Report was emailed and distributed to the Boards.

## **THIRTEENTH ORDER OF BUSINESS**

### **Discussion: Estimated Costs/Benefits to Merger**



This item was presented following the Twentieth Order of Business.

**FOURTEENTH ORDER OF BUSINESS****Acceptance of Unaudited Financial  
Statements as of June 30, 2025**

Mr. Adams stated certain maintenance facility expenses were coded to the wrong category, which is the reason for the Year End Forecasting variance for each of the funds.

Mr. McCarthy stated he wants to override Staff's decision not to restore the landscaping at the maintenance facility per the Development Order and voiced concern for the safety of the workers and possibly being in code violation. Mr. Adams stated he will have the area restored.

The financials were accepted.

**FIFTEENTH ORDER OF BUSINESS****Approval of June 23, 2025 Joint Regular  
Meeting Minutes**

The following changes were submitted:

Line 138: Change "Crank" to "Frank"

Line 139: Insert "Andrea Psaras" after "member"

**On MOTION for Bayside by Ms. Montgomery and seconded by Mr. Cramer, with all in favor, the June 23, 2025 Joint Regular Meeting Minutes, as amended and to include any changes submitted to Management, were approved.**

**On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Travers, with all in favor, the June 23, 2025 Joint Regular Meeting Minutes, as amended and to include any changes submitted to Management, were approved.**

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

All items remain ongoing.

**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.]**

There was no report.

Discussion ensued regarding Mr. Urbancic's opinion on the RCS surface water contract with regard to billing the CDDs versus actual usage, the suggestion to renegotiate the deal, the contract being executed in 2017 and spanning 20 years, and the condition of the wells at the time the contract was executed.

Mr. Urbancic suggested approaching RCS about the contract based on the equity standpoint.

**B. District Manager: Wrathell, Hunt and Associates, LLC****I. Monthly Status Report: Field Operations****II. NEXT MEETING DATE: August 25, 2025 [Joint Public Hearing and Regular Meeting to Adopt Fiscal Year 2026 Budget]**

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

All Bayside and Bay Creek Supervisors present confirmed their attendance at the August 25, 2025 meeting, with the exception of Mr. Janek.

**NINETEENTH ORDER OF BUSINESS****Supervisors' Requests**

Ms. Montgomery stated she intends to schedule a ride along of the community with Mr. Montoya this month.

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

No members of the public spoke.

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

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

**A. Cheryl Hughes****B. Dean A. Francis**

Mr. Cramer introduced a third candidate, Bradley Wayne, for consideration to fill Seat 5. He motioned to appoint Bradley Wayne to fill Seat 5. The motion died due to a lack of a second.

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

The consensus was for Staff to re-send an e-blast advising of the open Board seat and for existing candidates to reapply for consideration at the next meeting.

**On MOTION for Bayside 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]**

▪ **Discussion: Estimated Costs/Benefits to Merger**

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

Mr. McCarthy polled the Board Members to determine if there is interest in merging the CDDs. Mr. Cramer discussed why this was placed on the agenda. Several Board Members expressed no interest in discussing this item further.

This item will be removed from future agendas.

**TWENTY-FIRST ORDER OF BUSINESS**

**Adjournment [Bayside Improvement CDD]**

**On MOTION for Bayside by Mr. Cramer and seconded by Ms. Gravenhorst, with all in favor, the Bayside Improvement CDD meeting adjourned at 4:10 p.m.**

**BAY CREEK BUSINESS ITEM**

**TWENTY-SECOND ORDER OF BUSINESS**

**Discussion: Bay Creek CDD Bulk Irrigation Water Agreement**

This item was previously discussed during the meeting.

**TWENTY-THIRD ORDER OF BUSINESS**

**Adjournment [Bay Creek CDD]**

**On MOTION for Bay Creek by Mr. Durney and seconded by Mr. Janek, with all in favor, the Bay Creek Improvement CDD meeting adjourned at 4:10 p.m.**

FOR BAYSIDE IMPROVEMENT:

  
Secretary/Assistant Secretary

  
Chair/Vice Chair

FOR BAY CREEK:

  
Secretary/Assistant Secretary

  
Chair/Vice Chair