

**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 October 23, 2023, 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 were:

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

Present for Bay Creek CDD were:

James Janek	Chair
Robert Travers	Vice Chair
Jerry Addison	Assistant Secretary
Gary Durney (via phone/Zoom)	Assistant Secretary
Mary McVay	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Dan Cox (via phone/Zoom)	District Counsel, Bay Creek CDD
Greg Urbancic (via phone/Zoom)	District Counsel, Bayside Improvement CDD
Wes Kayne (via phone/Zoom)	District Engineer
Paul Kemp (via phone/Zoom)	Field Manager
Heather Bruno	HOA
Bailey Hill	SOLitude Lake Management (SOLitude)
Colin Brown	SOLitude Operations Manager
Janet Green (via phone/Zoom)	Resident
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 Bayside Improvement CDD, All Supervisors were present.

For Bay Creek CDD, Supervisors Janek, McVay, Travers and Addison were present.

Supervisor Durney attended via telephone/Zoom.

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

THIRD ORDER OF BUSINESS

Public Comments: Agenda Items

No members of the public spoke.

Mr. Cramer introduced Ms. Heather Bruno who will be working with the PLCA. Ms. Bruno, the current Director of Covenant Enforcement, stated she will be filling in as the PLCA Assistant General Manager until Mr. Puthoff’s position is replaced.

JOINT BUSINESS ITEMS

FOURTH ORDER OF BUSINESS

Review of Landscape Maintenance Agreements with PLCA

As questions continue to arise about this subject, Ms. Gravenhorst suggested scheduling a workshop so the CDD Board has a better understanding of its obligations and to help both entities prepare better budgets.

Mr. Travers asked what is different in the Agreement. Ms. Gravenhorst replied nothing; however, she thinks there should be a better understanding of the “end of life” terms on Page 3,

of the Agreement. Mr. Adams stated that the life expectancy would be determined by a third-party Licensed Horticulturist.

Board Members commented that the CDD is doing an exemplary job.

Discussion ensued regarding needing a better understanding of Mr. Kemp’s program, scheduling a workshop for mid-January to discuss possibly modifying the Agreement, asking the PLCA President to attend CDD meetings on a regular basis, having beneficial key parties attend the workshop before speaking on behalf of the CDD, improving communication with Ms. Bruno, preference for the CDD and PLCA Management to discuss issues and prepare the invitation list and preference for Management to address issues instead of holding a workshop.

On MOTION for Bayside by Ms. Gravenhorst and seconded by Mr. Cramer, with Ms. Gravenhorst, Mr. Cramer and Mr. Nicholson in favor and Mr. McCarthy and Ms. Montgomery dissenting, scheduling a workshop to identify CDD obligations either by law or by agreement between the CDD Supervisors, District Management, PLCA Board Directors and PLCA Management, within 90 days from today, was approved. [Motion passed 3-2]

The Bay Creek Board declined making a similar motion.

Mr. Adams stated he will prepare a PowerPoint presentation to handout and schedule an educational seminar and a Question & Answer period with PLCA Management and invite all three Boards to participate. This will be advertised as a workshop setting, so establishing a quorum is not required.

Mr. Cramer stated that the Engineer from the City of Bonita Springs advised and provided written documentation that certain requirements are needed if the PLCA intends to install moonlights, which he forwarded to Mr. Adams, Grace and Heather. The PLCA is pursuing a conference with the City and thinks that it is the responsibility of the PLCA General Manager to enforce and to know what needs to be done.

JOINT BOARD ITEMS

FIFTH ORDER OF BUSINESS

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

Mr. Kayne stated that the annual National Pollutant Discharge Elimination System (NPDES) Report was submitted to Lee County on October 16, 2023. It will then be submitted with the other co-permittees to the State. Staff inspected the Parcel M & N Project on October 4, 2023 and reported the advance swale is intact, unobstructed and no apparent issues were noted.

SIXTH ORDER OF BUSINESS

**Waterway Inspection Report: October 2023
– SOLitude Lake Management, LLC**

Ms. Hill presented the October 2023 Report, which included the actions taken to bring all non-compliance issues in the defective work notice into compliance, on October 4, 2023 and October 17, 2023. She will be on site tomorrow to assess and photograph the areas.

Mr. McCarthy expressed frustration with what he thinks is the technician’s lack of attention and asked for debris in Lake A-2 to be removed. Ms. Hill responded to questions about staffing the stormwater ponds and comments that services are being omitted that are in the contract. She noted a new product is being used to treat submersibles. She will email the information to Mrs. Adams.

Mrs. Adams stated that, during inspection, she identified several damaged littorals in the lakes. She will email the information to Ms. Hill.

SEVENTH ORDER OF BUSINESS

Committee Reports

A. PLCA Landscape Committee

There was no report.

B. Colony Landscape Committee

The Report was included for informational purposes.

EIGHTH ORDER OF BUSINESS

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

This item was discussed during the Ninth Order of Business.

NINTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of September 30, 2023**

Mr. Adams responded to questions about Bay Creek’s ability to pay the loan back to Bayside and what the loan was for. He expects the investment account to be opened this week.

Mr. Nicholson pointed out that, once Mr. Kemp expands his team, the CDD cannot expect any unused funds being available to offset any overages in other budget line items, as it did in prior years. Mr. Adams plans to review the chart of account budget line items with Mr. Kemp.

The financials were accepted.

TENTH ORDER OF BUSINESS

Approval of September 25, 2023 Joint Regular Meeting Minutes

On MOTION for Bayside by Mr. Cramer and seconded by Mr. Nicholson, with all in favor, the September 25, 2023 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

On MOTION for Bay Creek by Mr. Addison and seconded by Mr. Janek, with all in favor, the September 25, 2023 Joint Regular Meeting Minutes, as amended to include any changes submitted to Management, were approved.

ELEVENTH ORDER OF BUSINESS

Action/Agenda Items

Active/Ongoing-Carried Over Older than 08.23.23 Item 2: Mr. McCarthy asked Mr. Adams to check with Mr. Barraco about completing the change to Stipulation #4 in the Development Order letter.

The Action/Agenda Items list will be updated following the meeting.

TWELFTH ORDER OF BUSINESS

Old Business

There was no old business.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

- I. Gregory Urbancic, Esq., Coleman Yovanovich Koester, P.A.**
- II. Daniel Cox, Esq.**

There were no District Counsel reports.

Asked when the letter to the homeowner at 3709 Baycreek Drive will be mailed. Mr. Cox replied later this week.

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

I. Monthly Status Report: Field Operations

The Monthly Report was included for informational purposes.

Mrs. Adams stated updated invoices to paint several sluice gates and the three monuments are being obtained for consideration at the next meeting. She will add the A-2 weir to the scope of work.

Discussion ensued regarding having the painting projects include the sluice gates, monuments, the weir and other items, which exceeds budget, determining the \$17,000 budgeted is sufficient to complete the monuments at the three main entrances at US 41, color selection, deferring the CDD monument at Coconut to next year and the logo change.

Mr. Durney asked Staff to notify the Landscape Committee and PLCA of this decision. Mr. Adams stated he will provide itemized costs for the other areas but it is subject to the PLCA deciding to incur those expenses. Mr. Willis was asked to review the proposals and, if appropriate, place the project under contract.

II. NEXT MEETING DATE: December 4, 2023 at 2:00 PM

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

All Supervisors confirmed their attendance at the December 4, 2023 meeting.

FOURTEENTH ORDER OF BUSINESS

Supervisors' Requests

Ms. Montgomery shared a resident email about neighbors overwatering and suggested educating residents about the current drought conditions. Mr. Adams' solution is to increase the water usage penalty rates. He was asked to include this as a discussion item on the next agenda.

Asked if the reason for poor grass quality is infestation, Mr. Kemp stated it is due to drought conditions and some irrigation and chinch bug issues but has nothing to do with infestation. Regarding using Roundup®, his research found that it is safe to use in the way they use it, unless the law changes.

Mr. Cramer stated he received the same email and invited the resident to the CDD meeting. He thinks the CDD should continue educating residents and e-blast CDD requests to Ms. Bruno for PLCA Management to e-blast periodic notices to the community, via the HOA. Ms. Bruno agreed and stated she will e-blast the communication Mr. Kemp sent to her.

Mr. Nicholson discussed the CDD's Disaster Recovery Agreement with the PLCA and asked if the Federal Emergency Management Agency (FEMA) reimbursed the PLCA. Ms. Bruno stated that the PLCA submitted the documents to FEMA but has not received any funds. It was noted that reimbursement can take up to three years.

Mr. McCarthy reported that the street light in front of 25121 Bay Cedar Drive is not working.

Ms. McVay reported that broken pipes and delays in scheduling repairs resulted in her having a \$500 water bill. She thinks that residents exceeding water limits should be allowed a couple of months to complete the repairs.

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

Colony resident, Janet Green, asked about the water quality, as they plan to plant annuals. Mr. Kemp stated the water levels are very low and, since the deepest well is high in chloride, he advises using salt tolerant plants. Ms. Gravenhorst recalled ClubCare recommended begonias in The Colony. Regarding the PLCA plantings, Mr. Kemp stated he will email the schedules and selections to Ms. Bruno in the future.

SOLitude Lake Management Operations Manager Colin Brown stated that technicians are on site with the boat and will address Lake A-2 today. He asked for clarification about the threshold for beneficials and noted Sonar[®] treatments were used in certain CDD areas. Mr. Adams stated that the Bacopa on the upper banks is acceptable. Mrs. Adams asked Mr. Brown to email the locations where Sonar[®] was used.

SIXTEENTH ORDER OF BUSINESS**Adjournment**

There being nothing further to discuss, the meeting adjourned at 3:09 p.m.

FOR BAYSIDE IMPROVEMENT


Secretary/Assistant Secretary


Chair/Vice Chair

FOR BAY CREEK:


Secretary/Assistant Secretary


Chair/Vice Chair