

**MINUTES OF MEETING
BOBCAT TRAIL
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Bobcat Trail Community Development District was held Thursday, December 15, 2022, and called to order at 3:02 p.m. at the Bobcat Trail Community Center, located at 1352 Bobcat Trail Boulevard, North Port, Florida 34288.

Present and constituting a quorum were:

Robert Etherton	Chairman
Janet Guyer	Vice Chairperson
Paul Fisher	Assistant Secretary
Jeffrey Brall	Assistant Secretary
Richard Burke	Assistant Secretary

Also present were:

Justin Faircloth	District Manager
David Jackson	District Counsel
Members of the Public	

Following is a summary of the discussions and actions taken.

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

Mr. Faircloth called the meeting to order and called the roll. A quorum was established.

SECOND ORDER OF BUSINESS

Organizational matters

**A. Oath of Office for Newly Elected Supervisors Via General Election
(Seats 1, 2 & 4)**

Mr. Faircloth, a certified Notary of the State of Florida, administered the Oath of Office to Mr. Fisher in Seat 1, Mr. Brall in Seat 2 and Ms. Guyer in Seat 4.

B. Election of Officers (Resolution 2023-06)

- Mr. Fisher announced he is stepping down as Chairman.

Mr. Burke NOMINATED Mr. Brall, and Mr. Fisher NOMINATED Mr. Etherton to serve as Chairman.

There being no further nominations,

On VOICE vote, with Mr. Burke and Mr. Brall voting for Mr. Brall, and Mr. Fisher, Mr. Etherton, and Ms. Guyer voting for Mr. Etherton, Mr. Etherton was appointed to serve as Chairman.

Mr. Burke NOMINATED Mr. Brall, and Mr. Fisher NOMINATED Ms. Guyer to serve as Vice Chairperson.

There being no further nominations,

On VOICE vote, with Mr. Burke and Mr. Brall voting for Mr. Brall, and Mr. Fisher, Mr. Etherton, and Ms. Guyer voting for Ms. Guyer, Ms. Guyer was appointed to serve as Vice Chairperson.

On MOTION by Mr. Fisher, seconded by Mr. Etherton, with all in favor, Resolution 2023-06, Electing Officers of the Board of Supervisors, with Mr. Etherton to serve as Chairman, Ms. Guyer to serve as Vice Chairperson, Mr. Faircloth to continue serving as Secretary and Assistant Treasurer, Mr. Bloom to continue serving as Treasurer, Mr. Fisher to serve as Assistant Secretary, and Mr. Brall and Mr. Burke to continue serving as Assistant Secretaries, was adopted. (5-0)

THIRD ORDER OF BUSINESS

Approval of Agenda

The following items were requested to be added to the agenda:

- *Decorating the Community Center and Back Gate Exit for Visitors under New Business.*

There being no further requests,

On MOTION by Mr. Brall, seconded by Mr. Fisher, with all in favor, the Agenda was approved as amended. (5-0)

FOURTH ORDER OF BUSINESS

Public Comments (3) Minute Time Limit

Residents commented on the following items:

- The injunction issue with Mr. Smith.
- Opposition to any building on the golf course.
- Operation of golf courses.
- Items which benefit homeowners.
- Board decisions.

FIFTH ORDER OF BUSINESS

Approval of the Consent Agenda

- A. **November 17, 2022 CDD Minutes**
- B. **November 30, 2022 Financial Report and Payment Register**
- C. **December 6, 2022 Infrastructure/Asset Management Committee Minutes**

Mr. Faircloth requested any additions, corrections or deletions to the items under the Consent Agenda.

There being none,

On MOTION by Mr. Brall, seconded by Mr. Fisher, with all in favor, the Consent Agenda, consisting of the items as listed above, was approved as presented. (5-0)
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SIXTH ORDER OF BUSINESS

Old Business

- A. **Rich Smith December 1, 2022 Email Discussion**
 - Mr. Smith requested that this item be on the agenda today and requested the Zoom meeting so he may attend. For the record, he is not present.
 - There are multiple parties to the injunction.
 - This injunction was created when there was a golf course, and Mr. Smith was not maintaining the irrigation system.
 - Mr. Jackson commented that Mr. Smith's email stated he wanted to make the CDD whole, in exchange for lifting the injunction. In the event Mr. Smith is willing to negotiate, Mr. Jackson recommended a permanent easement in favor of the CDD and Fairway Commons to allow access to the irrigation infrastructure, as opposed to a permanent injunction. This will be better than getting a judgment, which may cause a lien to be filed. He further recommended the Board authorize the District Manager, District Counsel and one Board member to propose this permanent

easement. The eventual settlement would have to be approved by the Board. The easement agreement should grant access to the pumphouse.

SEVENTH ORDER OF BUSINESS**New Business****A. Resident Concerns**

There being no resident concerns, the next item followed.

B. Employee Review & Discussion

- Mr. Etherton discussed salary increases and bonuses for employees.

On MOTION by Mr. Etherton, seconded by Mr. Brall, with all in favor, a 5% salary increase for Mr. Bob Ditterline and Ms. Jera Stratton, \$100 net bonus for Tim, and \$200 net bonus for Mr. Ditterline and Ms. Stratton were approved. (5-0)

- The effective date for the salary increase is January 1, 2023. The bonuses are effective immediately.

C. Decorating the Community Center

- Residents are permitted to decorate tabletops. Any other decorations require Board approval.
- Two residents are having parties, and they would like to decorate elaborately.
- The residents will also have to remove the decorations after the event.

On MOTION by Mr. Etherton, seconded by Mr. Fisher, with all in favor, decorating by residents for two individual parties at the Community Center was approved, as discussed. (5-0)
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D. Back Gate Exit for Visitors

- Only residents are permitted to exit at the back gate, and there have been issues in which people are sneaking out if someone comes through. The landscapers need to access the area between the two poles in the center to get their mowers to the outside of the gate.
- The residents near that gate do not have an issue with allowing visitors to use it.

Mr. Etherton MOVED to allow visitors to use the back gate for exiting, and Mr. Burke seconded the motion.

- Cameras are mounted in this area.

On VOICE vote, with all in favor, the prior motion was approved.
(5-0)

- Mr. Fisher will include an article in the newsletter.
- The equipment must be switched first.

EIGHTH ORDER OF BUSINESS

Manager's Report

A. Follow Up Items

- Staff submitted the new Rules for the website.
- The new Chairman will approve certain invoices.
- The attorney prepared a draft letter to Mr. Smith, which was submitted for discussion at the I/A Meeting.
- Staff has responded to Mr. Smith's emails.
- The Maingate Enterprises proposal was executed.
- The Lake Bank Inspection is complete, and will be presented at the next I/A Meeting.
- Mr. Faircloth will be on vacation, and Mr. Jacob Whitlock will be available at the office.
- Mr. Faircloth researched District maps. DMK, the District's former engineer, may have additional maps, which they are required to provide to the District.
- Mr. Faircloth received the executed contract from Campus Suite. They are currently developing the website. Ms. Guyer will review the completed document from Campus Suite when it is ready, and it will be discussed at a future I/A Meeting.
- The Tri-Party Succession Agreement has been completed and sent back and executed by US Bank.

i. Hurricane Ian Lake Bank Inspection Update

This item was not discussed.

B. Discussion of Hurricane Ian Expenses

- Total expenses are \$105,967.32.
- LMP is still being tracked.

- The landscape budget was discussed. A budget amendment may be needed in the future, once all expenditures have been finalized.
- No funds will be moved within the budget yet.

On MOTION by Mr. Brall, seconded by Mr. Etherton, with all in favor, the prior motion from the October 20, 2022 CDD Meeting to move \$84,000 from *Reserves-Lakes* for Hurricane Ian clean-up efforts was increased to \$150,000. (5-0)

- Bobcat Trail was granted approval from FEMA for hurricane damage funding.
- The City has refused to remove debris from the commercial area across the street, so staff is working on removal.
- There is additional damage at the lakes from the Hurricane.

NINTH ORDER OF BUSINESS

Engineer's Report

- Staff is still awaiting the final contract for the roads.

TENTH ORDER OF BUSINESS

Attorney's Report

A. Draft Letter to Cloud Ten! Marketing Group, LLC Regarding Entrance Monuments

- Mr. Jackson concurred that an easement is better than a deed, as previously discussed. This is more advantageous for the property owner.
- The letter can be modified as *convey the property*, or *provide a permanent access easement over the monument areas*, or delay sending the letter for the time being.
- Mr. Etherton indicated the letter may not be needed, as maintenance is currently being done on the monuments without any interference from the golf course owner. In accordance with the Master Declaration, the CDD could give the golf course owner 90 days' notice that maintenance will become his responsibility. After 90 days, the CDD may maintain the area, and assess him for the work. A lien may be placed if he does not pay.
- Mr. Jackson suggested an access easement over the monument areas.
- The Board concurred to table this item until the issue with the pumphouse and easement is resolved.
- The Board will not change its decision regarding Woodhaven.

- The CDD will continue to maintain the entrance monuments.
- Monuments need to be straightened. A crane will be needed. This can be paid for under hurricane expenses.

B. Follow Up Items

- Mr. Jackson discussed the email threats. He contacted the State Attorney's office, and was told this is a police matter. Mr. Jackson contacted North Port Police, but was unable to receive an accurate response. However, he will try to contact an investigator.

ELEVENTH ORDER OF BUSINESS

Other Reports

A. Infrastructure/Asset Management Committee (Board Workshop)

- Any agenda items for this meeting should be forwarded to Mr. Faircloth, and he will distribute to the individual Board members.
- Repair of the fence along Woodhaven will be discussed at the next meeting. This is an expensive repair, and beyond Mr. Ditterline's expertise.
- The fence at the tennis courts is going to be replaced.
- The area on golf course property will not be repaired, as it will be expensive. Ms. Guyer will contact the contractor working on the tennis courts, and refer him to Mr. Burke.

B. Landscape Committee

- LMP has done a fantastic job cleaning up after the hurricane in a timely manner.
- The commercial side needs to be cleaned up, and the City is not going to do it.

C. Newsletter Supervisor

- Mr. Fisher will retain the role as Newsletter Supervisor.
- He would like to send the next newsletter on December 22nd or 23rd.

D. Finance Supervisor

- Mr. Fisher distributed a copy of the draft Fiscal Year 2024 Budget to the Board. The Board should discuss at the February CDD Board meeting.
- It appears the statements are running behind. The invoice for the pool electric was allocated incorrectly. Mr. Faircloth reminded the Board the invoices may be reallocated in Avid. Mr. Faircloth will ensure invoices are received and paid monthly.

- Ms. Guyer requested that the Expenditure Report become part of the Financial Report.

E. Lakes and Roads Supervisor

- Ms. Guyer spoke to the new SOLitude Supervisor, and he mentioned the lakes are approximately 1½ feet lower than they should be, and is likely impacting lake erosion.
- Mr. Faircloth requested that the Board put SOLitude on notice that work must improve or the District will seek proposals or solicit bids for a new aquatic management company. Mr. Faircloth inspected the community and determined that a lot of what he saw would not be acceptable to the CDD. Littorals are not in good condition. Their contract renews in April. Ms. Guyer would like the Board to consider other companies.
- Mr. Faircloth noted that other CDDs have been advised to develop stormwater guidelines. However, the District does not have enforcement authority.
- Some of the drainage was not installed correctly, and may be causing erosion problems.
- If erosion problems are not addressed, SWFWMD may enforce repairs for the District to be in compliance.
- The Board concurred to solicit bids for a new aquatic management company.

F. Maintenance Supervisor

- Staff is pumping from the deep well to maintain the lakes. Approximately one million gallons of water is being allocated to the aqua range lake. Approximately two million gallons of water is being allocated to Fairway Commons.
- There is a water leak in the pool house, and one of the areas is flooded. Mr. Burke has not received a call back from a plumber.
- Mr. Burke followed up with Kennedy Electric regarding the streetlights and numerous other items. He has not heard back from them. Mr. Burke does not want to hire a different electrician currently. The situation is not an emergency, and Mr. Burke can wait until he hears back from Kennedy Electric.

I. Commercial Properties

- There is going to be a major clean-up in these areas, which will be costly. Mr. Burke would like the Board to consider a special assessment for the commercial properties. FEMA will not cover this expense.
- Mr. Ditterline gets pulled in many directions. If someone needs help, they should contact Mr. Burke first so he can help Mr. Ditterline prioritize his duties. Mr. Jackson reminded Mr. Burke that contact should be through Mr. Faircloth to ensure the Board is in compliance with the Sunshine Law. A one-way conversation notifying Mr. Ditterline of repair work to be done is acceptable, and Mr. Ditterline can respond, as he is not affected by the Sunshine Law.
- Mr. Faircloth received notification from Sarasota County Utilities that the District needs to verify its five backflows. Mr. Etherton is aware of this.

G. Facilities Supervisor

- The gym has been busy in the morning.
- The pickleball lines were painted.

H. HOA Updates

- The HOA is looking at the possibility of using metal tile for roofs.

TWELFTH ORDER OF BUSINESS**Public Comment (3) Minute Time Limit**

Residents commented on the following items:

- The issue with Mr. Smith.
- Open space in the District.
- Golf course taxes.
- The easement issue and a suggestion for a petition to fight Cloud Ten! Marketing Group, LLC from entering the Community.
- School buses at the back gate blocking other drivers' views on Woodhaven.
- Removal of the injunction.
- Palm trees on golf course property.
- Traffic at the back gate, and the fact that another resident was holding up the gate arm for a vehicle to pass.
- Development of the golf course land.
- The poor condition of the golf course property.]

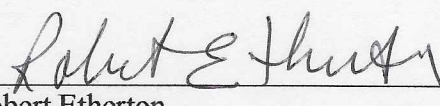
- Mr. Etherton thanked the Board for appointing him as Chairman.

THIRTEENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Etherton, seconded by Mr. Brall, with all in favor, the meeting was adjourned. (5-0)



Robert Etherton
Chairman