

**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, January 19, 2023 at 3:00 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	Chair
Janet Guyer	Vice Chair
Jeffrey Brall	Assistant Secretary
Richard Burke	Assistant Secretary
Paul Fisher	Assistant Secretary

Also present were:

Justin Faircloth	District Manager
Jacob Whitlock	Assistant District Manager, Inframark
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

Approval of Agenda

The following items were added to the agenda:

- Under the *Consent Agenda, Ratification of Efficient Gutters, LLC Estimate E-1724 for Gutter and Soffit Repairs at the Community Center in the Amount of \$12,440.02.*
- Under *Old Business, Paving Contract Discussion.*
- All Hurricane Ian expenses need to be approved at this meeting, as the FEMA deadline is Friday. Ms. Guyer believes hurricane expenses should be noted on the

expense report, for historical purposes. Mr. Faircloth will make sure finance reclassifies all Hurricane Ian expenses under the same line item. Mr. Etherton will submit any changes needed to Mr. Faircloth.

- Under *New Business, Discussion of Decorative Fence Along Bobcat Trail Boulevard.*
- Under *Manager's Report, March Meeting Discussion.*
- Under *Landscape Committee, Appointment of Ms. Louise Campanale to Committee.*
- The Board and Mr. Jackson concurred to allow *Public Comment* for all items added.

On MOTION by Mr. Etherton, seconded by Mr. Brall, with all in favor, the agenda for the meeting was approved as amended. (5-0)

THIRD ORDER OF BUSINESS

Public Comment (3) Minute Time Limit

A resident commented on the following item:

- Sidewalk damage after tree removal.

FOURTH ORDER OF BUSINESS

Approval of the Consent Agenda

- A. December 15, 2022 CDD Minutes**
- B. December 31, 2022 Financial Report and Payment Register**
- C. January 3, 2023 Infrastructure/Asset Management Committee Meeting Minutes**
- D. Ratification of Efficient Gutters, LLC Estimate E-1727-2**
- E. Ratification of Efficient Gutters, LLC Estimate E-1724 in the Amount of \$12,440.02**

Mr. Faircloth requested any additions, corrections or deletions to the items on the Consent Agenda, as listed above.

There being none,

On MOTION by Mr. Etherton, seconded by Mr. Fisher, with all in favor, the Consent Agenda, with the items as listed above, was approved as amended. (5-0)

FIFTH ORDER OF BUSINESS**Old Business****A. Paving Contract Discussion**

- The current contractor had non-competing issues which prevented them from executing the contract this month. They will not be able to execute until August.
- Ms. Guyer proposed cancelling this contract and preparing a new bid package which would increase the scope, and take into consideration the cul-de-sacs which have not been paved, including Silver Palm.
- Audience members provided comments.
 - Those who commented agreed with this proposition.
- Board members provided comments.
 - Money could be better spent on lake issues.
- Mr. Faircloth advised that the District is not obligated to this contract since it has not been signed, and with the potential change in District engineering services, it would make sense to prepare a new contract.
- Mr. Jackson advised there should be a motion in this regard.

On MOTION by Ms. Guyer, seconded by Mr. Brall, with all in favor, the prior Board direction to engage the services of Apex Paving was rescinded, and staff was authorized to solicit bids with an increased scope, including work at Silver Palm, subject to the Board's decision regarding District Engineering Services. (5-0)

- Mr. Faircloth suggested a target date for the bids. The Board must decide when the work should be done. The Board discussed soliciting bids in September, with bids being provided to the Board at the November meeting, with plans to do the work in the spring of 2024.

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

- Residents want to know when LMP is going to fill in the holes at the locations in which the stumps were pulled, as they can be a safety hazard, and an eyesore. LMP has prepared an estimate, and will be doing the work soon for CDD property only. The turf is approximately \$8,000. The Board will address this further under the Landscape Committee Report.

B. Discussion of Decorative Fence Along Bobcat Trail Boulevard

- Parts of the fence are damaged beyond repair.
- The proposal is to remove the black fencing completely up to Kentia Palm, store it for future repairs, and repair the damaged sections. The existing and proposed fencing is similar in color, height and width.
- Each six-foot section costs approximately \$100.

On MOTION by Mr. Burke, seconded by Mr. Fisher, with all in favor, the proposal to repair the decorative fence along Bobcat Trail Boulevard, which was damaged by the hurricane, was approved. (5-0)

SEVENTH ORDER OF BUSINESS**Manager's Report****A. Hurricane Ian FEMA Update**

- The District's attorney has reported all damage to FEMA.
- Inframark inspection and attorney fees are considered direct administrative costs, and will only be covered if FEMA grants an award.
- The Board will present a cost to remove debris from the commercial side. The estimate is \$8,000.
- Mr. Faircloth is not certain whether FEMA will reimburse for landscaping costs.
- Roadways are covered.
- Mr. Faircloth advised waiting to see what costs insurance will cover first.

B. Hurricane Ian Lake Damage Report

- Mr. Whitlock discussed the report.
- There are various areas of damage, including erosion, wave action, washouts, and areas in which the cart path has been damaged.
- Mr. Faircloth advised that the Board work with the attorney to consider developing stormwater guidelines and procedures, as the District may incur significant costs to comply with the permit.
- Erosion areas may worsen if action is not taken.
- Mr. Faircloth recommended that Lake 5 be repaired as soon as possible, as the drainage structure has been disconnected and noted that the District's assets should be inspected on a regular basis and Inframark does offer these services.

- Mr. Faircloth believes the District needs to determine whether a permit is needed for any repairs, as most repairs are usually done under the existing permit.
- The contractor would need to obtain a permit, and the engineer would have to work with the City to determine whether the work can be done under maintenance.
- If permits are required, the Board may want to consider preparing a larger scope of work, as opposed having small repairs done. Mr. Jackson does not believe a permit would be needed for small repairs, other than authorization stating no permit is required, but he is not certain. Ms. Guyer will work with Mr. Faircloth and the engineer to determine whether a permit is needed. The vendor should notate hurricane damage for all repair work on their invoices.
- Any direction will be determined after the Engineer's Report.

C. Hurricane Ian Insurance Discussion

i. Engle Martin Insurance Adjuster 12-29-22 Email

- Mr. Fisher is concerned with the amount for LMP's work, which is \$136,821, and only \$131,452.82 is showing. Mr. Faircloth noted this is only for Category B. There may be other items. The amount of \$131,452.82 is not the final number.
- Mr. Faircloth discussed the email from Mr. Mike Karwoski of Engle Martin, a copy of which was included in the agenda package. The Board has the right to appeal the amount stated in the email, if it is not agreeable. Mr. Faircloth advised that the Board may want to review its insurance and determine what type of coverage is better for the District, before the next hurricane season. A cost analysis may be necessary. The District would have to prove to FEMA denial of coverage from the insurance company for reimbursement by them.
- Ms. Guyer discussed the damaged light poles. New light poles do not match what is currently in the CDD.
- Mr. Jackson advised the decorative fence may have to be covered, as the fence is considered an *other structure*, and it was hit by a falling tree. Typically, these types of losses are covered.
- Mr. Faircloth advised the Board may submit proposals for work for Mr. Karwoski's opinion only. He does not approve or disapprove expenses.
- Kennedy Electric may be able to do the work associated with the light poles.

D. Follow Up Items**i. Water Meter/FPL Meter Review**

- Mr. Fisher and Mr. Whitlock reviewed this item.
- The CDD is responsible for three water meters – the meter at the Community Center, pool and gatehouse. The CDD is being billed for four meters, which is the golf course maintenance building. The description for this meter says *pool*, which is not correct.
- The meter for 336 is still being charged to the District, even though it was turned off. Inframark staff will investigate. There is a minimum fee to maintain an account. Mr. Faircloth and Mr. Etherton will follow up.
- The pool meter and description need to be changed to 1352 Bobcat Trail Boulevard.
- The meter at the Community Center has no number on it.
- The CDD is currently paying for nine meters.

The website was discussed.

- The new website with Campus Suite will be up and running soon, hopefully by the next meeting.
- The Board will be able to see the format before the website goes live.

E. March Meeting Discussion

- Mr. Faircloth will be out of town the week of March 13, 2023, and will not be able to attend the March CDD Meeting. Mr. Whitlock will attend in his place.
- The Fiscal Year 2024 Budget will be presented for discussion.

EIGHTH ORDER OF BUSINESS**Engineer's Report****A. BDI Engineering 1/3/23 Email****B. BDI Engineering 1/20/23 Email – JMT Termination Letter**

- Mr. Dvorak and his associate are developing a new firm. JMT also issued a Termination Letter.
- Mr. Jackson discussed options.
 - The Board may seek the services of a new engineer through the bid solicitation process.
 - The Board may remain with the new firm of Mr. Dvorak.
 - Termination by JMT is effective February 10, 2023.

- JMT's contract allows for the CDD to consent to an assignment of the contract.
- Mr. Jackson advised there should be a new contract.
- Rates were discussed.
- Ms. Guyer is satisfied with Mr. Dvorak's work.

Ms. Guyer MOVED to approve the CDD's assignment to Brletic Dvorak Inc. (BDI Engineering) and develop a new contract for District Engineering Services, and Mr. Brall seconded the motion.

- The new company should keep their current rates.
- Mr. Faircloth indicated that communication with Mr. Dvorak has been positive.

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

- Mr. Jackson advised the termination letter should be signed.
- Mr. Jackson will prepare a new contract with BDI Engineering.

NINTH ORDER OF BUSINESS

Attorney's Report

A. Golf Course Update

i. Golf Course Mortgage Company Letter Discussion

- The letter would include reference to the property's current state of disrepair. Their mortgage agreement has a duty to maintain the property. Ms. Guyer sent Mr. Jackson several photos.
- A similar letter was sent last year, and the mortgage company was responsive.
- The situation has worsened.

On MOTION by Ms. Guyer, seconded by Mr. Etherton, with all in favor, the District Attorney was authorized to prepare a letter to the Golf Course mortgage company regarding the property's current state of disrepair. (5-0)

- Mr. Jackson will work with Ms. Guyer to finalize language, and the photos will be included.

ii. Monument Maintenance Discussion

- The Board decided, at the last meeting, to table this item until discussions were had between the CDD, Fairway Commons and the Golf Course regarding the injunction. A meeting has been scheduled for Wednesday, January 25, 2023 at 9:00 a.m. Mr. Faircloth is waiting to hear from the participants.
- Per Mr. Smith's email of December 22, 2022, regarding maintenance of the monuments, he indicated he will maintain the monuments in front of the property. Mr. Jackson will discuss this with Mr. Smith. Mr. Smith spoke briefly, and he confirmed he will maintain the areas around the monuments.

iii. Financial Advisor Discussion

- Mr. Etherton discussed options to raise \$100,000 to complete the landscaping. The commercial side was included, and may cost approximately \$8,000.
- Mr. Faircloth explained the assessment methodology in this regard.
- The CDD cannot assess the commercial side separately unless the methodology would allow for it.
- Mr. Faircloth discussed the upcoming budget.

iv. Injunction Hearing Update

- Mr. Jackson commented the Judge had not scheduled the final hearing. A threshold item has been proposed to Cloud Ten that a permanent easement is needed with access to the irrigation system, control over the irrigation as well as costs going forward.
- Mr. Brall is familiar with the systems, and Mr. Fisher is familiar with the financial aspect. The intent of next Wednesday's meeting is to work out the details of the settlement, mainly the easement, and clarification regarding costs, and the ability to have control over the irrigation flow.

Mr. Etherton MOVED to designate Mr. Brall to participate in the meeting regarding the injunction hearing scheduled to be held Wednesday, January 25, 2023 at 9:00 a.m. There being no second, Mr. Etherton withdrew his motion.

On MOTION by Mr. Etherton, seconded by Ms. Guyer, with all in favor, Mr. Fisher was designated to participate in the meeting regarding the injunction hearing scheduled to be held Wednesday, January 25, 2023 at 9:00 a.m. (5-0)

- i. Golf Course Mortgage Company Letter Discussion (Continued)**
- Mr. Jackson clarified for Mr. Smith the prior motion regarding the property in disrepair was for him to clean up the debris from the Woodhaven fence area. Mr. Smith commented the process is set to commence tomorrow, but the work will take a few months.
- Mr. Jackson will not send the letter until next week depending on clean up progress by the Club with review by Ms. Guyer.

FIFTH ORDER OF BUSINESS

Old Business (Continued)

A. Paving Contract Discussion (Continued)

- A motion to solicit bids for the paving contract is in order since the Board made a decision regarding the District Engineer.

On MOTION by Ms. Guyer, seconded by Mr. Fisher, with all in favor, staff was authorized to solicit bids for paving of all areas, including Silver Palm, with the exception of the cul-de-sacs at Kentia Palm and Queen Palm. (5-0)

TENTH ORDER OF BUSINESS

Other Reports

A. Infrastructure/Asset Management Committee (Board Workshop)

- Mr. Etherton would like Board members to submit items for the next meeting to Mr. Faircloth. Mr. Etherton will not be able to attend the next meeting.

B. Landscape Committee

i. Appointment of Louise Campanale to Committee

Mr. Brall MOVED to appoint Louise Campanale to the Landscape Committee.

- There have been quorum issues.

Mr. Etherton SECONDED the prior motion.

There being no further discussion,

On VOICE vote, with all in favor, Ms. Louise Campanale was appointed to the Landscape Committee. (5-0)

Mr. Brall discussed other landscape-related items.

- There are tree issues at the Queen Palm and Palmetto monuments, which may be hurricane related.
- Tree work was discussed. The cost is close to \$100,000 for trees on the Boulevard and in the parking lot area.
- The commercial side cannot be determined until everything is cleaned up.

Mr. Brall MOVED to approve the estimate in the amount of \$8,000 to clean up the commercial side, and Mr. Etherton seconded the motion.

- This work must be done. It is not an option.

There being no further discussion,

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

- Less palm trees will be needed. They are not replacing palm tree for palm tree. There are no irrigation issues, and anything planted into the ground will be warranted.
- The holes on the Boulevard cannot be filled until the electricity for the pump is repaired, and Kennedy Electric will not be able to do the work until May. Sargent's Electric was contacted, and they will do the work on Tuesday at 9:00 a.m. Mr. Ditterline and a couple of the Committee members will be needed to guide them regarding priorities.
- Reallocation of funds for landscaping may be necessary, although there currently is enough in Reserves. It was suggested the work may be able to be done over two

years. Mr. Faircloth advised the District has been using the fund balance to operate, which is not a good idea.

- Mr. Verrill is concerned about capping of the wells. There is a \$3,000 bill which should be voided. Mr. Verrill discussed the amount of \$750 which the District still owes for recapping of the wells. As soon as this amount is paid, Mr. Verrill will pursue finalization with SWFWMD.

C. Newsletter Supervisor

- Mr. Fisher will send the next newsletter this weekend.

D. Finance Supervisor

- The Committee will present upcoming budget details to Mr. Faircloth at the February meeting.

E. Lakes and Roads Supervisor

i. SOLitude Reports

- Ms. Guyer commented she needs to work with Mr. Faircloth regarding issues with SOLitude. Mr. Faircloth recommended that Ms. Guyer review the maintenance scope if the District is going to solicit an RFP.

Ms. Guyer discussed other related issues.

- Mr. Faircloth will share information regarding stormwater guidelines with Mr. Jackson. The District has the right to authorize how entities connect to the stormwater system. Some residents have had their pools discharge into the lakes, which is environmentally unsafe. Ms. Guyer requested a quote from Inframark for quarterly and/or monthly inspections, and she would like to participate in these inspections. Mr. Jackson and Mr. Faircloth will work together regarding stormwater guidelines, with the possibility of having a Public Hearing to amend the guidelines.

F. Maintenance Supervisor

- Mr. Burke discussed a leak on the men's restroom floor at the pool. It was repaired in the amount of \$1,500, as the concrete had to be cut out. The company who repaired the leak recommended changing the piping in the building. A re-pipe proposal came in \$9,593. He recommended tabling the re-piping to next year. Mr. Faircloth indicated Mr. Burke may include this item in the budget request for 2024.
- The gas heater at the pool was discussed. It is not working properly. The display on the control panel is broken. The heater cannot be turned on or off. Mr. Burke asked

the pool company to present a quote to remove the gas heater and continue to run with the two electric heat pumps.

- Due to the age of the heater, it may not be possible to obtain parts.
- Mr. Faircloth commented he does not believe FEMA is going to reimburse for recreational use items.
- It was suggested the insurance company may reimburse the District for the repair.
- Mr. Burke will obtain bids to replace the heater.
- The child's clothing left in the pool area has not been picked up.
- The fence along Woodhaven Drive was inspected by the contractor and he is preparing a quote to repair or replace the damaged sections. LMP will need to remove debris on the inside on CDD property.
- The contractor for the fence at the pickleball/tennis courts is having difficulty obtaining material for the repairs.
- The deep well was turned off. If the water level drops by a significant amount, the pump will automatically turn off. Mr. Burke will turn it on one more time, and if it stops again, the issue will be addressed.
- There is a line item for maintenance and repair of the PRVs. There was not much money in that fund. Mr. Burke believes someone from the accounting department is confusing maintenance of the PRVs with maintenance of backflow preventers. The amount spent is not showing up in the line item. It may have been charged to Hoover Pump System, as opposed to Hoover Pressure Washing. Mr. Burke will submit numbers soon. Mr. Faircloth will note that all invoices need to go through the Board.
- Sargent's Electric will be on site on Tuesday.
- Mr. McNamee discussed an email he sent to the City regarding possible use of reclaimed water. Mr. Faircloth advised the Board if the CDD does connect to reclaimed water, the stormwater system will likely have to change and a storage area developed. Costs will have to be planned over time. Mr. Faircloth advised the District should have the engineer investigate if reuse irrigation water is available.

G. Facilities Supervisor

- The carpet was cleaned at the Community Center.
- The security system appears to be obsolete. Envera is going to check this, with the possibility of installing a camera.

H. HOA Updates

- Homeowners should be educated regarding stormwater management.

I. Commercial Properties

There being no report, an item from Lakes and Roads Supervisor was addressed.

E. Lakes and Roads Supervisor (Continued)

- Hoover was having an issue finding the proper cleaning product for the gatehouse roof. It would have to be hand-washed at a cost of \$500. It was suggested that the roof be power washed.

ELEVENTH ORDER OF BUSINESS Public Comment (3) Minute Time Limit

Residents commented on the following items:

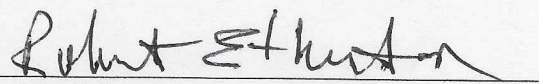
- Irrigation systems on both CDD and golf course land.
- Fence issue. Mr. Ditterline should be made aware of the fence repair.
- Future hurricane plans. An emergency committee or response team is needed to address this issue. The HOA and the CDD may need to have a cooperative agreement. A better community outreach program is needed.
- Light poles are not uniform.
- Landscaping clean-up at Woodhaven. Restoration of the fence is most important. Buffer zones may not be cut by residents. However, anything hanging onto someone's property may be trimmed.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Etherton, seconded by Ms. Guyer, with all in favor, the meeting was adjourned at 6:12 P.M. (5-0)



Robert Etherton
Chair