

**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, February 16, 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	Chairman
Janet Guyer	Vice Chairperson
Jeffrey Brall	Assistant Secretary
Richard Burke	Assistant Secretary
Paul Fisher	Assistant Secretary

Also present were:

Justin Faircloth	District Manager
David Jackson	District Counsel
Rich Smith	Golf Course
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:

- *Black Fence, Woodhaven Fence & Tennis Court Fence under Old Business.*
- *Settlement Discussion under Golf Course Update.*
- *RFP Scope of Services under Lakes and Roads Supervisor.*

On MOTION by Mr. Brall, seconded by Mr. Burke, with all in favor, the Agenda was approved as amended.
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THIRD ORDER OF BUSINESS

Public Comment (3) Minute Time Limit

Hearing no comments from the public, the next order of business followed.

FOURTH ORDER OF BUSINESS

Approval of the Consent Agenda

- A. January 19, 2023 CDD Minutes**
- B. January 31, 2023 Financial Report and Payment Register**
- C. February 7, 2023 Infrastructure/Asset Management Committee Minutes**
- D. Landscape Committee Minutes (July 2022 – November 2022)**

Mr. Faircloth presented the Consent Agenda, with the items as listed above, and requested any additions, corrections or deletions.

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 presented.

FIFTH ORDER OF BUSINESS

Old Business

A. Black Fence

- Mr. Burke commented the fence, which is located on Bobcat Trail Boulevard from Royal Palm. Mr. Filler provided a detailed list of items noting there is a total of 88 feet which will require either more fencing or shrubs, which usually hide the fence. The Board needs to decide whether to install a decorative fence in the amount of \$2,500 or plant shrubs.
- Mr. Filler commented on other options, such as sod, or having a volunteer group under the supervision of the Landscape Committee create a *community flower garden*.
- There are 30 posts currently in place without caps. If left uncapped, the infrastructure will weaken.
- Mr. Burke encouraged the rest of the Board to look at this area and provide an opinion.
- The black fence has imperfections, and Mr. Filler recommended to the Landscape Committee to allow the hedges to grow two inches taller to block the imperfections. Mr. Brall will discuss further with the Landscape Committee.

B. Woodhaven Fence

- Mr. Ditterline and Mr. Filler volunteered to pick up parts of the fence which are laying on the sidewalk, and will straighten up the area. Mr. Filler commented there are two phases to the project. There is 155 feet of downed fence, which may cost approximately \$1,200 in materials. Work on clearing out the fence will commence tomorrow. The second part of the fence is underneath all the shrubbery and debris, which needs to be removed.
- Ms. Guyer commented that Americast is no longer involved with the repairs. She recommends hiring Mr. Filler as a temporary employee to be covered under the District's insurance. Mr. Etherton indicated Mr. Filler may prefer to sign a waiver of liability, as opposed to becoming an employee.

C. Tennis Court Fence

- Mr. Ditterline and Mr. Filler can repair the fence, replacing the poles only, using the existing chain link fence at an approximate cost of \$1,500. Mr. Filler commented the practice board which was on the fence may be a root cause of the damage. Moving forward, if the practice board is reinstalled, there needs to be a quick release in the event of another hurricane.
- It is going to take approximately four days to repair the fence, two of which involve waiting for the cement to settle within the poles. The tennis court will need to be closed for that period.
- Mr. Jackson indicated a waiver would be appropriate and Mr. Filler indicated he would, in fact, fill out a waiver. The Board requested staff reach out to the insurer to see what it would take to have volunteers added to the District's Worker's Compensation Policy.

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

- A dump truck damaged a sidewalk. A sidewalk contractor will give a quote to Ms. Guyer for the repair. The resident is in violation of how the work in the area was accomplished. Mr. Jackson commented a temporary access agreement should be prepared for this type of work. They went through District property without asking permission. There are also landscape repairs required for the area.

- A resident had concerns with work on Fishtail Palm. The Board approved two Oak Trees to be removed which were leaning toward a home. Another tree in this area has died. The CDD completed work, but the resident was not satisfied. Buffer zones are to remain in their natural state. This resident believes there is favoritism. The tree in question was not considered a hazard. The total cost for the entire repair was approximately \$4,200.
 - There should be a Board member designated to oversee the buffer zones. Mr. Fisher indicated he thought this item should be designated to the Landscape Committee. Mr. Brall confirmed he will be responsible for this item.
- B. Inframark First Amendment Consideration for Field Services**
 - Ms. Guyer previously requested Inframark to provide costs for monthly or quarterly services. The agreement was included in the agenda package. Ms. Guyer commented on the performance of SOLitude.
 - The cost is \$2,000 per inspection.
 - The Board concurred to table this item to the next I/A Meeting for further discussion.

SEVENTH ORDER OF BUSINESS**Manager's Report****A. Discussion of Fiscal Year 2024 Supervisor Budget Requests**

- The Board should determine development of the budget, including special projects, employees to be hired, or anything associated with maintenance.
- The Board will approve the high-water mark at the May meeting, and will make residents aware whether there is going to be an assessment increase.
- The final budget will be adopted at the August meeting.
- Mr. Fisher discussed the packet he presented to Mr. Faircloth at the meeting regarding items to consider for the budget.
- Mr. Faircloth noted that a budget amendment will be necessary in FY2023 after all Hurricane Ian items are addressed.
- Capital Expenditures may be transferred to another R&M item in which funds are needed.

- Landscaping will be a major cost, and Mr. Fisher suggested spreading the expenditures out over two to three years.
- Mr. Faircloth will have finance prepare a draft budget based off of the figures received from the Board. Mr. Fisher commented there may be an assessment increase of \$277 per household to make up for the Hurricane Ian impact.
- Ms. Guyer indicated there remains \$131,000 from the paving contract for this year which will not be spent, as paving will not be done this year.
- Repair work needs to be done to the lakes.
- It has been at least four years since the last assessment increase.
- Mr. Faircloth noted that Mr. Jacob Whitlock will be attending the March meeting, as he would be out of the office.

B. Engle Martin January 23, 2023 Partial Denial Letter

- This letter indicates Engle Martin is not responsible for the debris unless it is in a covered location.
- Mr. Etherton indicated that fences were mentioned. Mr. Faircloth reviewed the letter with the Board.
- Mr. Faircloth advised that if the District wanted to add items or make any other changes to the insurance policy, it should be considered for next year.
- Any trees on a covered parcel would likely be covered, but not those near the roadway. With regards to the trees which fell over the fences, they would have been covered if the fences were listed as scheduled items on the policy.
- Renewal is October 1, 2023. In the meantime, the Board should consider any assets to be added.

C. Brown & Brown Flood Audit Update

- This update is done on an annual basis, and is just part of the record.

D. Follow Up Items

- Mr. Faircloth discussed the pool water bill from North Port, noting the payment is an automatic ACH payment. The District may change this, but it will lead to more invoices and an increased workload. Mr. Burke indicated he would like to see invoices for any budget line items. Mr. Faircloth noted that the line item for the pool electricity is currently at zero dollars because FP&L has not sent invoices since the District took over the power for the pool from the Golf Course. Mr. Faircloth

provided an update on progress with FP&L on getting the billing started for the pool power. Mr. Burke would like to see invoices for water and electricity. ACH payments may be stopped, but this would make things more difficult for Board members, with all the additional invoices. The expenditure report does list every invoice. The Board decided to review ACH payments further and follow up with Mr. Faircloth on any further requests.

- The District's new website is available, and is much more user-friendly.
- The new Landscape Committee member was assigned a CDD email.
- Mr. Ettore has a list of all the damaged lakes from the hurricane. No reimbursements will be granted until there are expenses since no work has been done. The engineer may need to become involved.
- Irrigation items were briefly addressed. Mr. Verrill requested reimbursement for items for plugging of the wells.
- The FEMA attorney is asking for verification of location of road signs, fencing and streetlights which were already provided to FEMA. Discussion ensued. The insurance money received includes streetlights in the commercial area.

EIGHTH ORDER OF BUSINESS

Engineer's Report

A. BDI Agreement for Engineering Services

- Mr. Jackson developed the contract, which includes their rates, which increased from when the contract was with JMT.

On MOTION by Mr. Fisher, seconded by Ms. Guyer, with all in favor, the Agreement for Professional Engineering Services with Brletic Dvorak, Inc. (BDI), was approved.

NINTH ORDER OF BUSINESS

Attorney's Report

A. Golf Course Update

i. Monument Discussion

- The Board previously decided to have the Golf Course take over maintenance of the monument areas. There was discussion at the I/A meeting that there is a lack of maintenance in these areas. The Board may want to explore the Declaration of Covenants to put the golf course on notice to address the issue. If it does not get

done after 30 days' notice, they are brought in for a Public Hearing, and the golf course would be assessed for the CDD doing the work.

On MOTION by Mr. Brall, seconded by Mr. Burke, with all in favor, the golf course shall be granted seven days' notice to respond to maintenance issues at the monument areas, after which the Board shall authorize the District Attorney to prepare and issue a formal notice.

ii. General Settlement Discussion

- Mr. Jackson indicated the Board, at the last meeting, was going to meet with the Golf Course and Fairway Commons Association to resolve some threshold issues, getting a permanent easement to allow the District and the Association access to the irrigation system on golf course property, for maintenance repairs and operations purposes, and to gain more control over system operations.
- A proposed easement was prepared, and staff worked with the Association's attorney to prepare an Amendment to the Water License Agreement and Well Cooperative Agreement to address other access control issues. Progress is ongoing, but more time is needed to work out details. Therefore, Mr. Jackson requested the Board consider a continuation of the meeting to Friday, February 24, 2023 to present all necessary documents for approval.
- Mr. Brall inquired about the reason for doing this, as it appears the District is taking on Mr. Smith's responsibilities. Mr. Jackson noted the reason is to avoid previous issues with the Golf Course and noted that the District should have permitted access and control over the system.
- Mr. Faircloth noted everything will transpire at the same time. The District would enter into the Settlement Agreement, get reimbursed, and all documents would be executed. This will also prevent the previous situation in which there was a leak which was not repaired for several months, and this is a way to protect the District from such a situation ever occurring again.
- The injunction is not permanent, but this agreement would maintain the area in perpetuity and go with the sale of the property.

- The injunction would be replaced by the easement which the District would obtain, along with an amendment to the agreements, and when all is said and done, there would be no need for the injunction.
- Mr. Brall expressed concern as to the reason Mr. Smith needs the injunction lifted.
- There are three documents to be presented at the continued meeting: the easement, the Amendment to the License Agreement, Well Cooperative Agreement and Settlement Agreement. This requires approval from the CDD, the Association and Cloud Ten.
- Mr. Brall indicated this agreement imposes maintenance of Mr. Smith's property on the CDD.
- Mr. Faircloth commented ideally, the District would have its own irrigation system, and would be able to supply water to the residents. However, the community was not developed this way. At this point, installation of this type of system would be expensive. Mr. Faircloth further advised that if the District turns ownership back over to the golf course entity regardless of who is the owner, if they fail on their responsibilities, the CDD would be back in the present situation, with the need to seek another injunction, which would be costly.
- Mr. Fisher recommended tabling this issue until all documents associated with this item are available. Mr. Jackson will distribute these documents and the Board may discuss further at the continued meeting.

Mr. Jackson discussed other miscellaneous issues.

- An additional seven days was given to Cloud 10 to address numerous issues throughout the District which were not being maintained. Nothing was done. Mr. Jackson sent a letter to Celtic Bank.
- Mr. Smith has not done the work he stated he would do at the last meeting.
- Mr. Etherton noted he contacted the City of North Port regarding the meter at the gatehouse and that the City charges a maintenance fee in the amount of approximately \$55. The District may have the meter removed for \$75, and there would be no bill going forward. The cost to hook up the meter again would be \$27,000 to cover impact fees.

ELEVENTH ORDER OF BUSINESS

Public Comment (3) Minute Time Limit

Mr. Rich Smith was given permission to speak.

- Mr. Smith stated that staff did work the day after the last meeting, but there were issues with trespassing and harassment.

TENTH ORDER OF BUSINESS

Other Reports

A. Infrastructure/Asset Management Committee (Board Workshop)

There being no report, the next item followed.

B. Landscape Committee

- Mr. Brall discussed the letter to homeowners regarding the need to seek permission to do their own landscape work, and requested Board approval for the Landscape Committee to send this letter. A hard copy mailing will cost approximately \$500. An email may be sent in addition to, or instead of the hard copy mailing. Board approval is not necessary.

- Work throughout the community was discussed.

C. Newsletter Supervisor

- Mr. Fisher was approached by a resident requesting a program in which residents may purchase American flags and donate them to the District to fly at the front entrance with a family member's name who passed away. Mr. Faircloth reminded Mr. Fisher the flag would have to be replaced and Mr. Fisher noted this was an ongoing donation.

Mr. Etherton MOVED to accept community support in supplying American flags for the front entrance, as discussed, and Mr. Brall seconded the motion.

- This item was opened to the audience for comments. Hearing no comments,

On VOICE vote, with all in favor, the prior motion was approved.
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D. Finance Supervisor

There being no report, the next item followed.

E. Lakes and Roads Supervisor**i. SOLitude Waterway Inspection Report**

- SOLitude's reports indicate that everything is good in the District, but Ms. Guyer indicated this is not the case.
- ii. RFP Scope of Services**
- Ms. Guyer will work with Mr. Faircloth to prepare an RFP for aquatic services.
- Mr. Faircloth noted there are few littorals growing in the lakes, and there is erosion, which may be minimized with plant growth.
- SOLitude is not providing recommendations for improvement. There is invasive Torpedo Grass which needs to be removed in the littoral areas.
- Although a public bid may not be required, the Board should solicit numerous bids from several contractors.

Ms. Guyer addressed pressure cleaning.

- Hoover Pressure Cleaning will clean the sidewalks and gutters on Bobcat Trail Boulevard, as well as other CDD areas, commencing Monday, February 20, 2023 through Wednesday, February 22, 2023.

F. Maintenance Supervisor**i. Metro PSI Pump Station Inspection Report**

- The report was included in the agenda package. The #2 pump and motor were rebuilt.
- The #1 pump is not in good shape and is in danger of a major failure. The control panel has been updated.
- The #1 pump has been shut down, as it was making a lot of noise. Pump #2 has been picking up the slack on this pump.

G. Facilities Supervisor

- Mr. Etherton discussed the Community Center alarm system which is not working properly. He is investigating installation of cameras. The cost for installation is approximately \$1,500, and approximately \$30 per month to maintain. There have been no security issues, and cameras may not be necessary.

H. HOA Updates

There being no report, the next item followed.

I. Commercial Properties

- The CDD will not maintain a certain commercial property.

ELEVENTH ORDER OF BUSINESS

**Public Comment (3) Minute Time Limit
(Continued)**

Members of the public commented or inquired about the following items:

- Mention and discussion of Fairway Commons and its dependency on water from the golf course.
- The assessment on the commercial properties was discussed. Mr. Faircloth commented the maintenance assessments continue in perpetuity.
- Insurance adjustments prior to renewal were discussed.
- Website issues were discussed, and Mr. Faircloth noted it was working for him.

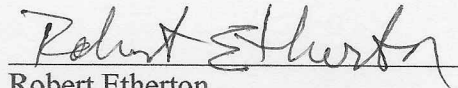
The Board discussed continuation of the meeting.

TWELFTH ORDER OF BUSINESS

Continuation

There being no further business,

On MOTION by Mr. Etherton, seconded by Mr. Fisher, with all in favor, the meeting was recessed and continued to Friday, February 24, 2023 at 8:00 a.m. at the Bobcat Trail Community Center, located at 1352 Bobcat Trail Boulevard, North Port, Florida 34288.


Robert Etherton
Chairman