

**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, March 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:

Jacob Whitlock	Assistant 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. Whitlock called the meeting to order, and called the roll. A quorum was established.

SECOND ORDER OF BUSINESS

Approval of Agenda

The following item was added to the Agenda:

- *Approval of March 7, 2023 Infrastructure/Asset Management Committee Minutes under New Business.*

There being no further additions,

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

Public Comment (3) Minute Time Limit

- Ms. Jean Opsut of 2393 Silver Palm Road requested a new item to the agenda regarding the Citizen Parkway Extension planned at the area behind the Villas and Silver Pond.
- Mr. Scott Verrill of Royal Palm discussed the following items:
 - His concerns noted in the Minutes of the February 16, 2023 Meeting, Lines 108-117 were only partially addressed. His main concern was regarding double standards between residents' requests concerning the CDD working to correct damage in areas behind homes, specifically CDD buffer zones. There are similar concerns on Coconut Palm and the Boulevard.
 - The landscaping contract and areas which are to be mowed. The Board needs to own up to its' responsibilities regarding the landscape contract, not the Landscape Committee.

FOURTH ORDER OF BUSINESS

Approval of the Consent Agenda

- A. **February 16, 2023 CDD Regular Meeting, February 24, 2023 and February 27, 2023 Continued CDD Meeting Minutes**
- B. **February 28, 2023 Financial Report and Payment Register**

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

- On the February 16, 2023 Minutes, Line 112, the Board member misspoke. He did not consider the tree to be a hazard, when, in fact, it was. The minutes will not change since that is what he stated.
- On Line 115, *thought* should replace *believes*.
- On Line 116, *he* should replace *the Landscape Committee*.
- On the February 27, 2023 Minutes, Line 94, *Burke* should replace *Etherton*.
- On Line 114, *Fisher* should replace *Etherton*.
- On Line 116, *or* should replace *and*.

On MOTION by Mr. Etherton, seconded by Mr. Brall, with all in favor, the Minutes of the February 16, 2023 Regular CDD Meeting were approved as amended, the Minutes of the February 24, 2023 Continued CDD Meeting were approved as presented, and the Minutes of the February 27, 2023 Continued CDD Meeting were approved as amended. (5-0)

- Ms. Guyer discussed changes to the Expenditure Report.
 - Expenses under *R&M-Landscape Renovations* for the *Sod Installation/Plants/Remove Palm* and *Sod Installation* should be reallocated to *Emergency & Disaster Relief*.
 - The expense under *R&M-Sidewalks*, should also be moved to *Emergency & Disaster Relief*.
 - The Board concurred that Ms. Guyer may speak to the Accountant to have these amendments made.

On MOTION by Mr. Etherton, seconded by Ms. Guyer, with all in favor, the February 28, 2023 Financial Report and Payment Register were approved as amended. (5-0)

FIFTH ORDER OF BUSINESS

Old Business

A. Inframark First Amendment Consideration for Field Services

- Ms. Guyer would like to propose acceptance of the Amendment, and authorize Inframark to assist the Board with lakes and maintenance responsibilities on a quarterly basis.
- Inframark would inspect the lakes and provide photos, analyses and recommendations.
- They would ensure the current vendor was working within their current scope of work.
- They would coordinate with Ms. Guyer and staff to monitor the vendor's progress with remedial work.

On MOTION by Ms. Guyer, seconded by Mr. Brall, with all in favor, the First Amendment for Consideration of Field Services from Inframark to provide inspections, reports and recommendations on a quarterly basis was approved, as discussed. (5-0)

SIXTH ORDER OF BUSINESS

New Business

A. Resident Concerns

- Mr. Etherton received an email regarding a dead tree on CDD property, which has the potential to fall through the resident's lanai. Mr. Etherton recommends the CDD remove the tree. Mr. Brall took photos. He does not believe there is an issue in this regard, and the tree should not be removed.
 - There was disagreement with the possibility of exposing the CDD to a lawsuit if the tree is not removed.

Mr. Etherton MOVED to approve the removal of the tree on CDD property, which is leaning onto a residential property located at 3265 Royal Palm, to prevent further damage to the said property, as discussed, and Ms. Guyer seconded the motion.
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- Ms. Guyer would like to see the tree.
- Mr. Fisher wants to know if the tree will damage the property if it falls. He is not in favor of removing trees which may not cause damage.
- The resident did not previously request removal.
- There may be a CDD policy allowing a resident to request removal of a tree on CDD property at the resident's expense.
- The Board may table this item until costs and a proposal are presented.
- Ms. Guyer believes the motion should be tabled.

Mr. Etherton WITHDREW the prior motion, as discussed.

- Residents have volunteered to work in the community. There is no policy to accept volunteers. Mr. Etherton would like to establish a policy in this regard at a future meeting.
- Ms. Opsut's request was discussed. Ms. Guyer would like to allow her to express her concerns.
 - Residents at a section of Silver Palm received a letter from a development company, which was chosen to develop a private property backing up to their homes.

- Officials indicated they would only be planting a few trees 300 feet from the property line.
- There was a Planning & Zoning Meeting this morning. No one from the CDD or HOA were present.
- There is a City Council Meeting on March 30, 2023 at 6:00 p.m. They will vote on allowing the project to move forward. There will be 260 rental units.
- Ms. Opsut is hoping the Board would consider putting up a wall to protect the CDD.
- There will be shops and a mental health facility.

B. Rose Paving LLC Sidewalk Proposal

- Ms. Guyer noted this proposal is on hold, as it is too costly. She asked the District Engineer to obtain additional quotes.

C. Discussion of Comcast Agreement

- Comcast would like to upgrade their underground equipment, and they would like the CDD to recognize them in this operational agreement. Their work does not affect anything that Frontier is doing.
- They are offering to give the District free TV services for the fitness center. The current charge is \$100 per month. They are also going to pay \$170 per unit for all homes in the community, which will net the CDD \$92,990.

Mr. Etherton MOVED to approve the Agreement with Comcast, as discussed, and Mr. Fisher seconded the motion.

- Ms. Guyer noted no one will have to change their service.
- Mr. Jackson noted this is not a bulk service agreement.
- The contract was reviewed by the District Attorney and Inframark.

There being no further discussion,

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

D. Approval of the March 7, 2023 Infrastructure/Asset Management Committee Minutes

- These Minutes are usually presented under the Consent Agenda, but were submitted late.

On MOTION by Mr. Etherton, seconded by Mr. Brall, with all in favor, the March 7, 2023 Infrastructure/Asset Management Committee Minutes were approved. (5-0)

SEVENTH ORDER OF BUSINESS

Manager's Report

A. Discussion of Fiscal Year 2024 Budget

- Mr. Fisher would like to know where the figure under *Special Assessments – Tax Collector* came from. This is a format from the previous year with an adjustment.
- The Budget will be refined up until the Budget Hearing date in August, as this was just an initial first presentation.
- This will continue to be an agenda item at the next few upcoming meetings until the Public Hearing in August.
- The Budget may also be discussed at the I/A Meeting, and Mr. Fisher requested adding it to the agenda.

B. Fiscal Year 2022 Audit Update

- Mr. Whitlock noted there was a minor adjustment for repair and maintenance.
- Any pertinent information will be forwarded to the Board.

C. Follow Up Items

i. Worker's Compensation Coverage for Volunteers

- There was a question whether volunteers needed to fill out waivers.
- The District's insurance policy covers volunteers.
- Mr. Jackson indicated volunteers should sign waivers, as a precautionary measure. The waiver explicitly addresses the fact that a volunteer will not hold the District responsible for any injuries.

EIGHTH ORDER OF BUSINESS

Engineer's Report

There being no report, the next order of business followed.

NINTH ORDER OF BUSINESS

Attorney's Report

A. Golf Course Update

i. Settlement Discussion

- The series of documents to move forward with a settlement were approved by the Board.
- Fairway Commons met regarding issues with SWFWMD and notification. They ultimately approved the documents. Mr. Sturgis asked Mr. Jackson to notify Mr. Smith of this. Mr. Jackson did notify him and provided him with a deadline of 5:00 p.m. tomorrow to provide executed documents. However, Mr. Jackson has not heard back from Mr. Smith.
- Mr. Jackson is waiting for the Settlement Agreement, Amendment to the Water License Agreement, the Well Cooperation Agreement and the Easement from Mr. Smith. Payment must be received by March 27, 2023. Nothing will be done with the Injunction until this payment is received.
- Next steps will be determined if Mr. Smith does not provide the signed documents.
- Damages will continue to accumulate, and there may be a court date.

B. Entrance Monument Update

- Cloud 10 wanted to take over the entrance monument. Mr. Jackson sent an informal notice authorizing them to do so. Nothing has been done to date.
- As per the Master Declaration of Protective Covenants, Conditions and Restrictions for the District, he was given 30 days to conduct the maintenance in those areas, after which, the CDD would have the option to perform the maintenance and assess him for the costs. It is unlikely that the District will be able to recover the costs.
- Starting April 1, 2023, the CDD may perform the maintenance.
- This work has already been factored into the budget. Staff will keep track of the costs.

Mr. Brall MOVED to authorize the CDD to resume maintenance of the front monument areas, commencing April 1, 2023, assuming nothing has been heard from Cloud 10 Marketing Group, and Ms. Guyer seconded the motion.

- The Master Declaration grants the District permission to go on the property, perform the maintenance and assess the cost.

There being no further discussion,

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

- Ms. Guyer discussed the damaged monuments. It was suggested to find someone who could do masonry maintenance work. Mr. Burke mentioned all the monuments need to be refurbished, and the Board may want to consider a project in this regard. They are painted on a regular basis, but may have sustained storm damage. Mr. Whitlock commented it is going to be difficult to find a contractor to do the work at this time, as it may be associated with storm damage.
 - The Board discussed allocating funds in next year's budget.
 - The work should not be done during the rainy season.

TENTH ORDER OF BUSINESS

Other Reports

A. Infrastructure/Asset Management Committee (Board Workshop)

- The Board needs to send items for the next agenda to Mr. Etherton.

B. Landscape Committee

- Mr. Brall printed a couple of renderings of the main Boulevard and one of the side entrances to the Community Center, which shows repair plans from the hurricane.
- Mr. Verrill discussed upcoming repairs as a result of the hurricane. Certain golf course areas need to be mowed for aesthetic purposes.
- Tree work is anticipated to commence once approval is received.
- The Committee is willing to service all residents' work.
- Mr. Verrill indicated funds are sparse for the work which needs to be done, and FEMA reimbursement is not expected any time soon.
- The budget is ready for work on the main areas. This will be discussed at the next Landscape Committee Meeting.
- There are funds allocated to the roads which may be used for some landscaping work. Mr. Fisher is concerned about having enough funds for future repair of the roads. Comcast funds may be available for this purpose. Mr. Fisher will present his

calculations at the next I/A Meeting. The Board discussed transferring the appropriate funds at this meeting.

On MOTION by Ms. Guyer, seconded by Mr. Brall, with all in favor, transfer of funds in the amount of \$90,000 from Lakes and Roads – R&M-Sealcoating to R&M-Emergency Disaster Relief, was approved, as discussed. (5-0)

➤ Mr. Whitlock will determine whether a Budget Amendment Resolution will be necessary.

- All CDD irrigation repairs should be done before the end of April.

C. Newsletter Supervisor

- The next newsletter will be distributed toward the end of the month. There will be two newsletters this month.
- Information regarding Envera will be in this month's or next month's newsletter.

D. Finance Supervisor

- Mr. Fisher will present any budget issues at the next I/A Meeting.

E. Lakes and Roads Supervisor

- Hoover pressure washed gutters on Bobcat Trail Boulevard and other CDD-owned properties as well as sidewalks.

F. Maintenance Supervisor

- Trash was thrown around the pool area last week, and the Ladies Room was left in a deplorable condition. Chairs were not put back and umbrellas were not removed. Mr. Burke asked that anyone who sees something like this should let a staff member know or contact him.
- The fence for the tennis courts will be repaired.
- The PRV on Royal Palm was repaired.
- Mr. Burke spoke to a Kennedy Electric representative and was told they would try to get to the District for installation of streetlights. Someone may be here next week.
- i. Pool Lift Update**
- The pool lift was damaged by the hurricane. The manufacturer is no longer in business, but the pool company is looking for someone to possibly repair it. However, it may need to be replaced. There is federal mandate to have one.

Mr. Burke continued with his report.

- The shrubbery at the Woodhaven fence will be trimmed by LMP which is necessary for the repair to be made.
- The tennis court fence repair will cost \$2,000. There has been voluntary help, along with Mr. Ditterline to make the repairs in-house.

G. Facilities Supervisor

- All pool issues mentioned in the previous report have been handled.
- Gutters and soffits were repaired.
- All issues with the Community Center building are almost complete.

H. HOA Updates

- The Master HOA just appointed new officers.

I. Commercial Properties

There being no report, the next order of business followed.

ELEVENTH ORDER OF BUSINESS

Public Comment (3) Minute Time Limit

- Mr. Filler commented on the following items:
 - All landscaping work has been done from the fourth tee box to the sidewalks along Woodhaven.
 - The fencing repairs at the tennis courts are ongoing. Weed whacking is currently being done.
 - Any volunteers would be needed tomorrow morning to lift 10 to 30 lb. logs from the fence area to the ditch at Woodhaven. Any volunteers should contact Mr. Filler or Mr. Ditterline. Ms. Stratton will have release forms for the volunteers.
- Mr. Doug McNamee of Palmetto Palm commented on the following items:
 - He does not want any costs to be passed on to residents from the Comcast Agreement.
 - He requested repair of the sound system for hearing-impaired individuals.
 - He commented on Mr. Smith.
- Ms. Cathy Little commented on the following items:
 - Beautification of certain areas.
 - The area where the gazebo tipped over on the parking lot. The area belongs to the Ridges, and she requested someone discuss moving this item. Mr.

Jackson indicated there may be options on the Declaration in this regard. There are code enforcement issues at the golf course, which the City of North Port can investigate.

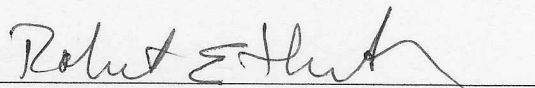
- Mr. Frank Lamond of Coconut Palm suggested an artist's rendition of the beautification schedule. Mr. Verrill announced this item is going to be discussed at future Landscape Committee Meetings.
- Ms. Paula Taylor of Royal Palm commented on the following items:
 - There was a huge fire from the dry ground. She recommended someone send a complaint to Code Enforcement that the golf course needs to water this area.
 - Insurance in the event of another hurricane. The insurance is being reviewed.
- Mr. Etherton discussed the buffer zones. He announced it is the Board's duty to make the community look as good as possible.

TWELFTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Burke, seconded by Mr. Etherton, with all in favor, the meeting was adjourned at 4:47 p.m.


Robert Etherton
Chairman