

# MINUTES OF THE UOC

February 4, 2009

9:00am @ Pelican Landing Community Center

## CALL TO ORDER – *Brian Kenedy – Pelican’s Nest, Chairperson*

*Mr. Kenedy* called the meeting to order at 9:02 am.

## ROLL CALL

*Mr. Kenedy* called for the roll. The sign-in sheet, attached to the original minutes, evidences the roll call.

## APPROVAL OF MINUTES

*Fred Balduini – Bay Creek made a motion to approve the January 7, 2009 UOC Meeting Minutes*

*Hal Crane - Bellagio seconded.*

*Discussion: Anne Cramer – Longlake* requested that the verbiage in the Canoe/Kayak subcommittee report be amended to add wording concerning the incorrect materials having to be removed.

*Motion passed unanimously as amended.*

## ANNOUNCEMENTS

- Resident Meeting Beach Stabilization Presentation – February 11, 2009 2pm – Pelican Landing Community Center
- Candidates Night – February 11, 2009 7 pm – Pelican Landing Community Center
- PLCA Board Meeting: February 18, 2009 9:00am – Pelican Landing Community Center
- Bayside & Bay Creek CDD Meeting: February 23, 2009 2 pm – Pelican Landing Community Center
- UOC Meeting: March 3 , 2009 9am – Pelican Landing Community Center
- Call for Résumés (must be received no later than Monday February 9<sup>th</sup>)

*Mr. Kenedy* stated that the CDD supervisors who also sit as representatives for their neighborhood on the UOC have asked that the agenda item on Heron Marsh overlook be taken from the agenda since it is not a PLCA project. If discussion takes place, they would have to leave the room based on the Sunshine Law.

*Nelson Glueck – Southbridge made a motion that item XII. B. HERON MARSH OVERLOOK be removed from the agenda.*

*Hal Crane – Bellagio seconded.*

*Discussion:* It was stated that PLCA is not involved with the payment, the scheduling or any of the project, making it unclear what input the UOC could have; it was noted that many CDD projects had been discussed in the past. It was pointed out that the CDD decision had not been announced, so it was also unclear what the conversation could be. It was suggested that the decision could be reported as part of the CDD update. There was brief discussion on how the Sunshine Law applies.

*Motion failed: 5 in favor, 31 opposed.*

## BUTTERFLY BOOSTER PROGRAM – *Bob Lerew*

*Mr. Lerew* thanked everyone for their support and explained that a task force has been formed and how they are moving forward to collect donations to create the Butterfly Nature Park with the support of the PLCA Board. It was requested that color copies of the Butterfly Booster flyer be sent to the UOC reps via email and that a display be put in the Community Center lobby. There was lengthy discussion on the board taking action before a UOC recommendation on this issue and on the overall PLCA subcommittee procedures for requesting funds.

*Ray Eifler - Heron Point made a motion to recommend that the PLCA as a community financially support the Butterfly Nature Park.*

*Dick Neihaus - Sandpiper Isle seconded.*

*Discussion:* there was further debate on the reporting system and the positive aspects of residents raising money in support. As it was determined that the motion recommended PLCA monies fully fund the project, Mr. Niehaus withdrew his second on the motion as stated.

*Dick Neihaus - Sandpiper Isle made a motion to support the Board’s decision to approve \$1,900.00 contingent upon a resident fund raiser, since it’s such a small amount of money and funds have already been raised.*

*Mike Rogers – Sawgrass Point seconded.*

*Motion passed: 16 in favor and 11 opposed.*

It was suggested that whoever gives the UOC report at the next board meeting, relay the inappropriateness of board voting on non-emergency funds without UOC input.

## **RESIDENT INPUT ON AGENDA ITEMS**

There were no requests to speak.

### **CDD UPDATE – *Tom Stang, Longlake Village***

*Mr. Stang* reported that the following were topics of discussion at the January CDD meeting:

- The ROLL Docks are essentially done
- CDD PIC funds were under budget, resulting in a \$570 annual cost per resident
- Remaining PIC funds will go towards benches at the Heron Marsh Overlook
- Lighting and plants will be installed at the new monument (Pelican Landing Pkwy & Walden Center Dr.)
- Holiday lighting on the pergola at the main entrance water feature may become permanent
- The maintenance building on Coconut Rd. is essentially done
- There was resident input on a snail problem in the irrigation water system; District Services is looking into the issue and asks residents to take no individual action until the cause is determined.

### **FINANCE/AUDIT COMMITTEE REPORT – *Judi Brown, acting chair***

*Ms. Brown* presented the written report, which is part of the agenda package on file.

There was clarification on the January UOC discussion concerning homes in foreclosure; the UOC discussed recommending the establishment of a fund to care for homes in foreclosure and not to purchase the house on Black Rush. There was further discussion on home foreclosures.

## **SUBCOMMITTEE REPORTS**

### **BEACH – *Peter Winterberger, chair***

*Mr. Winterberger* gave a brief report on topics discussed at the last Beach Committee meeting. *Mr. Winterberger* then gave a detailed presentation of the Beach Subcommittee report on options for alternate beach usage, which is part of the agenda package on file. There was discussion on some of the options and how this report relates to the Beach Erosion Committee's work along with implications on giving up the current park location. It was determined that any further investigation of alternate possibilities would need a new committee and authorization from the board.

***Ron Clearfield – The Ridge made a motion to recommend that the PLCA Board further pursue options listed under item 4 of the Beach Subcommittee report on options for alternate beach usage, with a committee made up such as suggested. Gillian Draper seconded.***

***Discussion:*** Further comments were made on correlation to the erosion studies, setting objectives and standards for other properties and the possibility of even having a second beach property.

***Motion passed, 35 in favor, 1 opposed.***

### **PRIVACY – *Frank Toner, chair***

*Mr. Toner* reported that Pelican Landing hosted the Southwest Florida Crime Prevention Seminar and PLCA is now charging \$10 for vendor passes and \$50 for bar codes. *Ryan Morris* gave details on a recent rash of burglaries that occurred in Pelican Landing and neighboring communities. There was brief discussion on the Privacy Committee investigating automated gates.

## **MANAGER'S REPORT – *Marie Martel***

*Ms. Martel's* report was distributed prior to the meeting, and is on file with the agenda package. There were no questions.

## **UNFINISHED BUSINESS**

### **COCONUT POINT VACATION ISSUE – *Stephanie Coburn, Bay Crest***

*Ms. Coburn* reported that PLCA has filed a claim in the Delaware Courts and recapped information presented at the last meeting of the Board. There was a question on whether the claim will be posted on the website; *Marie Martel* will ask the Board.

## **FLIGHT PATTERNS – Louise Urick, Goldcrest**

*Ms. Urick* gave the current status of actions taken and responses received so far on this issue. UOC representatives were asked to go back to their neighborhoods and encourage residents to register their concerns. It was noted that most neighborhoods will be holding their annual meetings and this would be another good forum to distribute information and get feedback. It was reiterated that volume is important in getting any results.

## **BEACH EROSION – Tom Betts, Board Secretary**

*Mr. Betts* presented the Beach Erosion Committee's recommendation on hiring an engineering firm and going forward with phase I and II of the beach restoration project. *Mr. Betts* explained the process so far, and that the Finance Committee has done due diligence and is recommending expenditure of initial funds for engineering and permitting; the board is asking for a UOC recommendation. There were questions and discussion on the termination clause, the permitting process, running a parallel study of alternate locations, funding and reserves along with a clarification of the phases that make up the entire project.

*Nelson Glueck – Southbridge made a motion to recommend approval of the PLCA share of the \$139,000.00 for the beach erosion planning and permitting phase, from the reserve account.*

*Mike Rogers – Sawgrass Point seconded.*

**Discussion:** There was further clarification of the various phases, debate on how the parallel study information affects the decision making process and that the PLCA will pay approximately 50% of all costs. It was clarified that an affirmative UOC vote would support the Board approving the monies and would not constitute a final approval. Therefore input at the upcoming resident meeting could be taken into consideration before the board votes. It was also spelled out that these monies will be used to start a study; once that information is gathered, the board will come back to the UOC before making a final decision on the actual beach remediation.

*Brian Kennedy – Pelican's Nest called the question.*

*Sharon Gallop – The Pointe seconded.*

**Motion failed: 15 in favor of continuing discussion and 11 opposed.**

There was further discussion on the urgency and reasoning for going forward at this time. It was noted there are many steps to any design process; once the results of the erosion design are done and more information gathered on other options a decision can still be made on whether and how to proceed.

*Fred Balduini – Bay Creek called the question.*

*Brian Kennedy – Pelican's Nest seconded.*

**Motion passed unanimously.**

**Motion to recommend approval passed: 35 in favor, 1 opposed.**

## **USE OF COMMUNITY CENTER DUMPSTER FOR SINGLE FAMILY HOME OWNERS - Stephanie Coburn, Bay Crest**

There was brief discussion on the concept, probable cost, potential problems and reasoning behind this issue.

*Ray Eifler – Heron Point made a motion to recommend an addition of another dumpster, to keep within an expense not to exceed \$10.00 per resident, per year.*

*Charlotte McCarthy – Bay Cedar seconded.*

**Discussion:** It was suggested that tickets be sold so that the program could be self supporting. *John Duder - Sorrento* asked to amend the motion to recommend additional pick-ups instead of another dumpster, and that the Manager has discretion to order the additional pick-ups as needed. *Mr. Eifler & Ms. McCarthy* agreed to the amendment.

**Motion passed as amended: 34 in favor, 2 opposed.**

## **NEW BUSINESS**

### **ACTIONS BY PLCA BOARD JANUARY MEETING:**

- Deferred authorization of funds for beach erosion until Beach Committee Report given to UOC and scheduled a resident information forum on Wednesday, February 11th
- Created an Infrastructure Consulting and Advisory Group
- Requested Manager to investigate cost to increase size of dumpster at community center and/or cost for additional pick ups.
- Formally supported efforts working towards a common goal relative to flight pattern relief & to ask Louise Urick to act as point person for Pelican Landing
- Unanimously agreed with Tom Hart's legal opinion not to foreclose on home located on Black Rush.

- Approved \$1900 operating & reserve costs for a Butterfly/Nature Park contingent upon the monies to create the park being raised through resident donations

There were no questions or comments on the board actions as listed.

#### **HERON MARSH OVERLOOK – *Dave Clifford, Merano***

Before any discussion began, *Nelson Glueck – Southbridge* clarified what was discussed on this issue at the last CDD meeting. All CDD supervisors in attendance left the room.

*Mr. Clifford* gave his opinion on the dangers of placing benches on the north side of Pelican Colony Blvd. at the Heron Marsh Overlook.

***Dave Clifford – Merano made a motion to recommend that the PLCA Board not allow benches to be placed on the north side of the street.***

***There was a second.***

***Discussion:*** It was determined that liability issues need clarification.

***Jim Murphy – Lakemont Cove made a motion to table the issue until insurance questions can be answered.***

***Joan Hyland - Mystic Ridge seconded.***

***Motion passed unanimously.***

#### **OPEN FORUM**

*Norm LaRose* – member of the beach committee – gave his opinion on the negative aspects of sharing a beach amenity with another community.

*Chip Wyser* stated his belief that time is of the essence and that Pelican Landing should proceed with beach stabilization with all due haste; monies put into the beach would offset themselves in property value. *Mr. Wyser* also voiced his support of a Butterfly Nature Garden as an asset to home values.

*Donna Snyder* asked to speak as one of the homeowners whose home was broken into. *John Duder - Sorrento* and offered to get her specific contact information Colony Foundation. *Ms. Snyder* wanted everyone to be aware of what happened, she asked that the community do everything possible to eliminate easy access and voiced her concerns on the access gates and perimeter fencing along Spring Creek. There was brief discussion on the worsening economy and some proactive steps homeowners can take to protect themselves. *Marie Martel* stated that the Colony Club has agreed to keep all gates locked and that Privacy Patrol does check them.

There was a question on what was being done about some of the mailboxes that look terrible. *Brian Kenedy – Pelican’s Nest* replied that deficient mailboxes can be reported to the Standards Committee and *Marie Martel* added that many letters have been written.

Peter Winterberger asked for clarification on the Hyatt commitment and obligation to the beach stabilization plans. *Jose Pastrana – Hyatt Regency* replied that they are committed to the current design and permitting plan; anything further will be looked at when the time comes.

In response to a question from Marvin Hancock, it was stated that the two home burglaries were in Addison Place and Tuscany Isle.

#### **ADJOURNMENT**

***Upon a motion by Charlotte McCarthy – Bay Cedar, seconded by Julia South – Ascot the meeting was adjourned at 12:13 p.m.***