

MINUTES OF THE UOC MEETING

September 2, 2009

9:00am @ Pelican Landing Community Center

CALL TO ORDER – Fred Balduini, Bay Creek

Mr. Balduini called the meeting to order at 9:00 am.

ROLL CALL

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

APPROVAL OF MINUTES

Mr. Balduini verified that the minutes had been distributed & read.

Upon a motion and second the August 5, 2009 UOC Meeting minutes were unanimously approved with amendments to Mr. & Mrs. McCarthy's statements in open forum.

ANNOUNCEMENTS

- PLCA Board Meeting: September 16, 2009 9:00am – Pelican Landing Community Center
- Bayside & Bay Creek CDD Meeting: September 28, 2009 2 pm – Pelican Landing Community Center
- UOC Meeting: October 7, 2009 9am – Pelican Landing Community Center

RESIDENT INPUT ON AGENDA ITEMS

There were no requests to speak.

BEACH ALTERNATIVE STUDY – Paul Erhardt

Mr. Erhardt named the members of the Alternate Beach Location Task Force and reiterated their mandate to research various alternatives should the Beach Park become unusable. *Mr. Erhardt* reviewed the committee's written report, which is part of the agenda package on file. There was an extensive question and answer period following the report. It was noted that a special event is being set up as a trial run to the West Bay Club option.

CDD UPDATE – Tom Stang

Mr. Stang reported that the following were topics of discussion and actions taken at the August 17th Bay Creek Bayside CDD joint meeting:

- Approved the MPDES annual report
- Received the lake erosion report from District engineer, options and timing were discussed with continuation of discussion at their next meeting
- Signed a two year contract with Lake Masters
- Held a public hearing on the proposed 2010 budget, which will be adopted at their next meeting on September 28, 2:00pm; the October CDD newsletter will contain a detailed breakdown on fees

BUDGET PROCESS – Pat Smart

Ms. Smart gave a PowerPoint presentation outlining the Pelican Landing budget process and giving the balances in the various accounts. *Ms. Smart* replied to questions and comments from the committee. The entire presentation is available on the community website.

FINANCE/AUDIT COMMITTEE REPORT – Judi Brown, co-chair

Ms. Brown presented the written report, which is part of the agenda package on file. *Ms. Brown* answered one question on the current market value of community held bonds.

SUBCOMMITTEE REPORTS

BOCCE – John Bracco, chair

Mr. Bracco was unable to attend, but an activities signup sheet was distributed as a handout to the UOC representatives.

TENNIS – Sumner Lipman, chair

On behalf of Mr. Lipman, *Leon Bartos* presented the following items as the Tennis Committee report:

- The USTA tournament on July 17-19 was successful and provided the community with close to \$1,200 in proceeds
- The committee developed figures for the 2010 budget process
- Went through the bidding process for all the 2009 reserve items, all of which were within the approved amounts
- 2009/2010 events calendar has been set with a few additions or edits possible at the next committee meeting, Sept. 15th
- The new tennis handbook has been assembled and will be issued on September 15th

Mr. Bartos replied briefly to comments one UOC representative made on the tennis committee decision making process.

FITNESS – Jay McGiveran, chair

On behalf of Mr. McGiveran *Fred Balduini* presented the following items as the Fitness Committee report:

- The committee will host a series of informational lectures on: exercising to control diabetes, building bones, building muscle, cardio-mechanic affects of exercise, how to prevent sore shoulders & knees, etc...
- The committee is doing it's best to inform residents of what their options are in using the fitness facility

MANAGER'S REPORT – Marie Martel

Ms. Martel presented her written report, which is part of the agenda package on file. *Ms. Martel* replied to several questions from UOC representatives, clarifying items in her report.

UNFINISHED BUSINESS

FLIGHT PATTERNS – Bernie Cramer

Anne Cramer reported on behalf of Mr. Cramer that local leaders of this initiative expect to hear from the FAA in the next couple of weeks; a meeting will be set up end of September/beginning of October, where the FAA will provide a proposal of what they plan to do.

BEACH EROSION – Tom Betts

Mr. Betts was unable to attend; *Marie Martel* gave a brief update on the status of this project:

- Clarifying that the jetties at Bonita Beach have been determined to hurt the beach on Big Hickory Island
- Applications for state funding have been submitted and it is hopeful that the community will receive monies
- A claim has been filed to reclaim the 60 feet of beach lost due to Charley; if reclamation is approved and completed this will allow the community to apply for FEMA help in the case of future loss due to a named storm during a declared disaster
- A resident forum, with officials from all involved parties, will be held on November 17th at 5:30pm in the Community Center

2010 BUDGET – Marie Martel

Ms. Martel presented budget changes since the last meeting, noting that a bad debt line item has been added for the first time. Also, the board cut the \$11,200 approved by the UOC for Beach Non-shared to \$3,200 for extended beach hours and a lecture series. The current bottom line of the draft budget contains an overall decrease in operating expenses and an increase in reserves and Comcast fees leaving a projected 4.5% increase over 2009; however, exact employee benefit costs have not been finalized. *Ms. Martel* responded to a few questions on specific line items including verification of a legal opinion stating that reserving for the beach is legal; this is available to anyone who would like a copy. It was confirmed that the Hyatt Timeshare is reserving for beach restoration and the Hotel is working funds into its annual budget. Questions were raised concerning the beach stabilization reserve line item and there was debate on whether a resident vote is needed.

A motion was made and seconded to recommend to the Board that they come back to the UOC for input concerning the present budget reserve line item on beach stabilization before a vote on the entire budget is taken.

Discussion: Topics included - the board's fiduciary duty in setting up reserves as necessary; the importance of maintaining procedure, and hearing the voice of residents; residents want to preserve the beach, the question is whether they should have input in such a large impact; residents of one neighborhood having expressed dissatisfaction with the way this is being done, feeling they have been assured of input; the assumption that an expenditure of this magnitude would require special assessment and approval of the residents;

when the reserve fund was established unallocated interest was used to establish the fund to pay for the environmental study, there was no indication that the reserve fund would continue on to this point;
it's not to say the people are not interested in pursuing this if the cost is reasonable, yet they want to have a say;
the question is the scope and spirit when spending millions or more it should come to the UOC, not to say they would vote against it;
questioning why the board would want to do something that will be an issue with most residents when they could go to the residents and get the approval;
the motion being superfluous because the UOC has to vote on the budget, if the process is disliked, the budget should be voted down with an explanation going back to the Board;
seemingly the Board is preparing for financial possibilities;
questioning why the Board would not want to set up a special assessment to show that the budget is being administered at an 8% decrease over last year, allowing for a more positive comment from the residents.
Motion passed: 18 in favor; 15 opposed

United Way - Brian Kenedy

Mr. Kenedy stated that traditionally Pelican Landing charities are run by residents; however there are still no volunteers to run the United Way Campaign. A suggestion to have a philanthropy committee was not acted upon.

A motion was made and seconded that if not enough people step forward to run the campaign, the United Way group be dissolved as a community supported charity .

Discussion: *Nelson Glueck* offered to run the campaign if he got two more volunteers to help.

Motion passed: 1 opposed, rest in favor.

Jim Eastman requested to speak on a piece of unfinished business concerning the ROLL Dock management agreement. After a brief history on how the refurbishment of the ROLL Docks came about *Mr. Eastman* reported on a recent meeting where some of the logistics and liability issues surrounding a proposed management agreement were discussed. *Mr. Eastman* summarized that if usage is kept to the current, natural retreat concept, there are no real issues. If the UOC proposes to expand the usage there are some issues. It was agreed that this will be put on the October agenda for further discussion.

NEW BUSINESS

PLCA BOARD ACTIONS AUGUST MEETING:

- Approved expenditure of \$15,100 to replace tennis facility awnings - Reserves
- Approved expenditure of \$93,500 to replace tennis court fencing - Reserves
- Approved expenditure of \$2,700 to replace tennis facility carpet - Reserves.
- Approved expenditure of \$36,000 to resurface tennis courts – Reserves.
- Approved expenditure of \$5,000 to replace treadmill - Reserves
- Approved leasing of slip at Coconut Point Marina for Day Sailor for one year on a trial basis in the amount of \$1,200.
- Approved \$3,200 for the beach non-shared budget for educational seminars and additional extended hours in season.
- Denied permanent Butterfly Donor sign for Butterfly Park.
 - A list of donors will be included in the Briefing
 - Remanded establishment of Butterfly Nature Park as an amenity to UOC
 - Formally thanked Bob Lerew & founding committee for establishment of garden

A motion was made and seconded to recommend that the Board make the Butterfly Nature Garden a Pelican Landing amenity.

Discussion: topics included detailed information on the proposed butterfly nursery; the legal connotation of the word 'amenity'; the docks at Spring Creek Park not meeting the policy requirements to be a full amenity; projected long term expenses; water costs and that the sewage fee has been eliminated; CDD and Pelican's Nest help over the summer; the past status as an amenity when restaurant existed; proposed PIC plans for the site; the pros and cons of volunteer status vs. amenity status and how this affects upkeep and use as marketing tool.

Motion passed: 22 in favor, 7 opposed.

REQUEST FOR FUNDS

Marie Martel presented the request for beach parking lot fence replacement and answered questions concerning the need, liability, and aesthetics of the fence explaining that installing a fence comparable to the adjacent District maintenance property would cost twice as much.

A motion was made and seconded to approve an expense not to exceed \$24,000.00 from Reserves to replace the concrete precast fence at the beach parking lot.

No discussion;

Motion passed unanimously.

AMENDED CODE OF ETHICS FOR SUBCOMMITTEE MEMBERS – Ray Eifler

Mr. Eifler presented and explained the reworked version of the proposed code of ethics, which is part of the agenda package on file.

A motion was made and seconded to approve the code of ethics for sub-committees as submitted.

Discussion: confirmation that this is intended for subcommittees of the UOC only; that UOC representatives who are members of a subcommittee should not vote on issues concerning their amenity; any appearance of a conflict of interest should be treated as one; semantics surrounding the word ‘truth’; definitions / examples of personal and financial conflicts.

Motion passed unanimously.

RESPONSIBILITIES AND ETHICAL BEHAVIOR OF UOC REPS – Ray Eifler

Mr. Eifler spoke on the nuances of ethical behavior and that conflict of interest does not apply just to money. Mr. Eifler commented on the current subcommittee voting process when new members are being selected. This issue will be put on the October agenda, and a proposed document changing the current sub-committee guidelines will be distributed for discussion.

UOC BUDGET COMMITTEE – Anne Cramer

Ms. Cramer stated that she has prepared a draft proposal outlining the duties of a UOC budget committee, from which she then gave details. Ms. Cramer will distribute her proposal to the UOC representatives prior to the next meeting; this will be an agenda item at the October meeting.

OPEN FORUM

Topics addressed:

- A handout containing excerpts from the Bylaws and Declaration on Neighborhood Committee terms and Unit Owner powers, duties, functions and restrictions was distributed at each representative’s seat. This will be a topic for discussion at the October meeting.
- A suggestion that usage numbers at Lakemont Park facility be looked at to determine budget for that property
- A request that Finance Committee meeting dates and time be added to UOC agenda announcements
- A development order Children’s Park parking has been submitted to Bonita Springs – parking is parallel to Pennyroyal and not adjacent to homes; therefore resident approval is not needed
- Clarification of a ‘Neighborhood Committee’
- Reasons why Minutes do not contain names of motion maker or second;
- Brief discussion on inappropriateness of not all members voting for a motion on the floor as noted in August minutes
- Status of the submerged land lease at the island
- Comments on Bylaws requirements concerning election of UOC chair persons and their rights when not chairing a meeting
- Verification that Hyatt has been billed for their portion of the beach sandbagging project
- A suggestion that activities for children be offered with an explanation that this has been tried in the past with no success
- A new application has been filed with Bonita Springs for RV storage at a neighboring parcel (Bonita Bubbles); information was provided on the application, staff review, deadlines and the appeal process if this development is deemed to be outside the approved development order. UOC members can let residents know Walter McCarthy is involved; there was brief discussion on the permitted, maximum square footage allowed and that being applied for.

ADJOURNMENT 11:50