

## **BAYSHORE GARDENS BOARD OF TRUSTEES MEETING MINUTES OCTOBER 16, 2018**

Items 1 through 3 Roll Call, Call to Order, Pledge to the Flag. Sharon Denson opened the meeting at 7:00 PM and a roll call was taken. Trustees in attendance were Suzanna young, Terry Zimmerly, Dan Rawlinson, Sharon Denson, Steve Watkins, Jim Couey, and Don Gassie. Barbara Susdorf was absent. A quorum was established. All attendees stood for a pledge to the flag.

Item 4. Approval of Minutes – Dan Rawlinson moved to approve the minutes from the Board of Trustee Meeting on September 18, 2018. Steve seconded the motion. Discussion: none. A change was made in Section #18 to correct the \$10 for the pool Fob (not per year). The motion passed unanimously in vote.

Sharon Denson moved to approve the minutes from the Board of Trustee Special Meeting on September 27, 2018. Jim Couey seconded the motion. Discussion: none. The motion passed unanimously in vote.

Steve Watkins moved to approve the minutes from the Board of Trustee work Session on September 12, 2018. Jim Couey seconded the motion. Discussion: none. The motion passed unanimously in vote.

Item 5. Treasurer Report. Terry made a motion to approve the Financial Report presented. Dan Rawlinson seconded the motion. Discussion: none. The motion passed unanimously in vote.

Terry stated that there are four Resolution that were distributed the Trustees that will move money and prepare the books for the Auditors. Terry made a motion to approve Resolutions 3, 4, 5, 8, and 7. Jim Couey seconded the motion. The vote to accept the motion passed unanimously. (This are available in the office).

Item 6. Additional to agenda not known when agenda posted. None.

Item 7. Trustee Committee Reports. ADA Committee Chair, Don Gassie stated he is waiting for Jack Humburg's ADA report for his Committee.

Marina Committee Chair, Terry Zimmerly stated that they have a meeting next week. She stated that there is one bid to open tonight for the Ramp work. There were several requests for the RFPs but only one bid received. Terry opened the bid for \$316,311.30. This contractor had been vetted by the Engineer.

Terry said that next week the dock RFP is expected. The dredging options were discussed with the Engineer who stated using the ball park for spoil could save \$100,000 over barge spoil storage. There were questions on how long the spoil would be stockpiled in the ball park and who would haul it. Sharon asked that Gwen Norris review the construction contract with Terry's Committee. A meeting date with the Engineer will be confirmed for the next Work Session. Steve Watkins will put a notice in the Banner of the meeting for concerned residents to attend. Sharon wants to know what the total cost of the marina work to see what impact to the budget the work will be.

Long Range Plan Committee Chair, Suzanna Young state that there was no meeting since last month due to conflicts with other Committee Meetings. She asked that something be arranged so Trustees can attend other's Committee Meetings. Suzanna said that any 5 or 10 year planning will be impacted by the cost of the marina work. Sharon Denson stated that it will not impact the planning for the future. Jim stated that maybe meetings can be put in sequence one night. Sharon stated that if another meeting night is needed Jodie can put it in the newspaper.

Item 8. District Manager Response to Trustees. See below #9.



## Old Business

Item 9. Pool Slide. Steve suggested that the slide be removed/sold and a new one installed up to code by next year (season). Sharon stated that insurance company stressed liability of the current slide to the district. Dan Rawlinson moved to trade the slide and create a Committee to find contractor and slide that is 'legal'. Jim Couey seconded the motion. Discussion: Sharon said we need to contact local company for dealers/ installer/ servicers. Superior Pool Products was mentioned. Dan said he prefers that the company take the slide. Jodie Lawman said that an enclosed slide was recommended by the insurance representative. A locking gate on the slide and monitoring platform on the slide is needed. Don Gassie asked who would take down the current slide, cut projections and where the slide would be stored. Dan Rawlinson stated that it may be taken in trade. Sharon Denson said that if it is not traded it may be surplus property and advertised for sale or traded in. The motion was voted on and passed unanimously.

Item 8. District Manager Response to Trustees. Jodie Lawman stated that the four delinquent boat slip rentals (with boats) were submitted to the lawyer to pursue legal remedies to have them removed from the marina, Boat Slips 7, 23, 30 and 65. There will be recovery costs. There are two boats that have been kept afloat by the maintenance crew. She stated that one is in good enough shape to be advertised for sale. The others may not be of value. She needs a rough value of the boats. Dan Rawlinson stated that Mote marine takes boat donations. Suzanna said we could donate them to the Sailing Squadron so could sell them for their kids program. Sharon suggested that a photo of the better one and get a value. Suzanna stated that Debbie Haskett, resident, is a broker. Jim Couey suggested using Boat US as they buy and sell boats and offer financing.

Jodie state that there were requests to remove # 6 DECORATIONS PRIOR TO ACTIVITY START TIME of the HALL/SCREEN ROOM CONTRACT 1004F agreement. She asked that the statement be removed because it states the lessee may decorate the evening before the event. She said that this causes numerous problems when wanting to rent the room the night before. Steve Watkins moved to delete the subject section. Suzanna Young seconded the motion. The motion was voted on and passed. Sharon will sign the revised form in the office.

Jodie presented a list of tools the maintenance person would sell to the district for \$2,203.81. The estimated cost that the district was pricing to replace the private tools was \$4000 to \$5000. She stated that Randy has signed a statement that the truck rack on his truck belongs to the district and is to stay if he leaves employment. The list of tools offered is long and includes a tool box. It was determined that the value far exceeds the amount requested. Steve moved that the district purchase the tools from the maintenance person. Jim Couey seconded the motion. Discussion: Sharon asked that the tools be marked BSG showing they are the district's tools. Sharon said it is a very good deal. Suzanna asked how many of the tools are heavy duty. Don reminded that Craftsman was out of business. The motion was voted on and passed 6-1 with six yeas and Don Gassie voting no.

Jodie stated that Elmore's Towing Service is our new contracted towing service for the marina and signs will go up in the north marina parking area. She stated that prior towing service was not responding to calls. Steve Watkins stated that the signs will be ready by the end of the week and there is a form for Jodie to fill out and resolve the trespassing issue.

Jodie stated that Dave (Tempus Service) has been paid in full per the contract. They also sent 50 additional fobs at a different price. The discrepancy is in discussion with Tempus and they had priced our

contract for cards, and the contract states fobs. The additional fobs are priced higher. Jodie is discussing this with them and will bring the cost to the Board once she has a final figure.

Jodie stated the End of Season Swim Party is scheduled for November 3<sup>rd</sup> from 1:00 PM to 3:00 PM with a rainy day option of November 10<sup>th</sup>.

Jodie stated distributed two complaints forms from residents on no access to the pool between noon and 3:00 PM. She asked the Board to address this. She stated that the resident pay for the pool and feel they should have use of it. Sharon stated that there are no lifeguards from noon to 3:00 PM and lifeguards are required. Lap and exercise swimming, while the pool is closed, is from 8:00 AM to noon. Recreational swimming everyone is not doing the same thing and has more liability and needs lifeguards or pool attendants. Removing the slide and platform will not lessen the liability during recreational swimming. There is a short supply of lifeguards as some have quit. Jodie suggested placing a notice for the option of open access for resident 'adult swim' for comments. Sharon reiterated the liability requirements, supervision, and pool attendants. She stated that this issue will have to go back to the attorney and insurance company and the committee. Don stated that there was a complaint in Nextdoor Bayshore. Suzanna agreed that this needs to go to committee. Sharon said we could ask for resident volunteers. Jodie suggested that the resident's opinion be obtained through a Banner ad. Sharon said she is responsible to protect the community from liability. Steve can advertise in the Banner for lifeguards from noon to 3:00 PM. There was discussion from the audience stating the pool is for residents who pay for the amenities and should come and go as they wish. He suggested we hire some older lifeguards. Jodie stated the fob is issued to each person and hours of access set and no one's fob works between noon and 3:00 PM in the pool. The public commenter asks the Board to do what the residents want. Sharon stated that her job is to abide by the law and limit the insurance risks. She said the problem is that there were lifeguards who left when school opened.

Jodie state the Cedar Hammock Fire Department inspected the facility and found no discrepancies. The original certificate is in the office.

Item 10. Open bids for the Road Ramp was addressed above in #7.

Item 11. Verify RFPs from Coastal Engineering was addressed in #7.

Item 12 Screen Room Roof. Terry got an estimate to repair the screen room roof with an estimate of \$15,000. The request was to be replaced or torn down. New price quotes will be needed once the scope of the work is known. There was a proposal to place a deck at hall floor level 32' x 50' which is about double of the screen room (16'x32'). They can keep it under \$50,000 for the deck part. The deck would have a 42" railing, ADA ramp to the park, and stairs. Demolition would be a separate contract and we would need three estimates. She would like the roof to be added later. An awning was also discussed but are maximum 16' deep and are a maintenance problem. There is no plan to have the area screened or roofed at this time. The deck could be designed with a roof in mind. Sharon suggested that the front ramp could be used if the deck is accessed from the hall. Sharon was concerned that the parking access should be next to the ramp.

Jodie stated the screen room is rented separately from the hall and it would be prudent to have its own ADA ramp. Sharon said we need to talk with Jack Humburg about the ADA ramp being so far from the parking lot. Suzanna stated that it is a bad idea to rent the hall and the screen room at the same time. An added roof may need to be higher than the existing building roof. Suzanna stated that the 32' span may require center supports. Suzanna said a higher ceiling would improve ventilation. The contractors

will add a roof to their estimates. The screen room issue be brought back to the Work Session after more quotes are received. Terry wanted to establish that we were not just replacing the roof on the original screen room.

Item 13. Sample collection for marina. Sharon stated the sample collection must begin by January. A quote was received from Today Home Services to replace the north side drain (90') for \$4,475, the new south drain (150') for \$6,847 and installation of three 4" check valves for \$1,410 for a grand total of \$12,732. There is a request for a quote out to a plumber for the installation of the three 4" check valves. Suzanna felt that the quote was high and asked that there be more bids. She has more contacts to share with Jodie. The two drain work is needed for January and totaled \$11,322. Jodie can get another estimate for the check valve work to be reviewed next month. The check valves are to prevent the pump's waters from backing into the buildings in a large rain event and pump failure. All of the estimates are needed to review next month. Jodie said that there may be lead time for the work to start. Sharon stated that a Special Meeting can be held after the quotes are in to agree on a contractor.

Item 14. Soda machine. Sharon said the soda machine in the breezeway needs replaced. Steve shared a soda machine with 18 products that can be purchased at Sams Club for over \$4,000. The current 8 product soda machine is from a company that has not shared commission on sales with the district. The proceeds from a purchased machine would go to the district. The time it would take to pay back the purchase price was discussed. The soda machine is not in a high traffic area. It was agreed that we should look around. Suzanna moved that Steve keep researching and come up with three prospects before the next meeting. Everyone can research. Jim Couey stated that it competes with the concession stand. Jim said we are trying to improve the district for the residents and some of the Policies and Procedures that we are doing are upsetting the residents. He said that a new machine will not pay for itself because it is not a high traffic area. Terry said that we should get another vender. Sharon stated we will review the concession stand before next year. Jim seconded Suzanna's motion. The motion was voted on and passed.

Item 15A. Tree Trimming. Sharon said the original tree trimmer did not answer their phone. Steve Watkins and Barbara Susdorf had marked all of the trees to be trimmed or removed. The bid was \$9,565 for all of the work. Sharon moved that we accept the bid (\$9,565). Steve seconded the motion. Discussion: The other bidder quoted \$7,500 but was disqualified because they had no workman's compensation. Another bid had been \$16,000. The motion was voted on and passed. Jodie will contact the contractor.

Item 15. Add Grill to surplus property. Sharon stated the grill is broken and could not be used for Labor Day. Sharon moved to place the grill in surplus. Steve seconded the motion. Discussion: Dan said the grill is worth about \$50 in its condition, but new about \$300. The grill should be advertised for sale. Jim Couey was interested in purchasing it. It may be put in the Attic Sale October 27<sup>th</sup>. The motion was voted on and passed.

### **New Business**

Item 16. Interviews to fill vacancy on the Board. Sharon stated that there is one vacancy on the Board and Jim Frost has submitted a letter showing interest. Jim Frost state that he had grown up here. He said he is interested in helping the district and community getting the facilities back to stellar. Jim Couey moved to accept Jim Frost as a Trustee. Dan seconded the motion. The motion was voted on passing 6 -

1 (Don Gassie voted no). The swearing in procedure was performed and paperwork began with Jim Frost taking his seat at the table as a Trustee.

Item 17. Rental of the Pool to non-residents (To be a part of 1004 COM). We need to decide whether to rent the pool to non-residents. Dan Rawlinson moved to keep the pool reserved use for residents and their guests only, not rented out to other entities. Jim agreed with the motion. Don Gassie seconded the motion. Discussion: Steve stated that there are times the pool is not being used by residents (closed) on weekends. Jodie said she has requests to rent the pool for a party by residents. The motion was voted on and passed 7-1, Steve voted no. There is a resident Swim Meet Organization (not rented) on Saturday morning when the pool is closed.

Item 18. Marina contract addendum 1005 C-Addendum. Sharon moved to accept the Addendum to 1005C. Jim Couey seconded the motion. Discussion: All leases are for a year but residents can pay twice a year this year only. This Addendum allows two payments from nonresidents. Then the nonresidents will need to pay the full year in October. Sharon said that boat slip are now yearly leases and this allows two payments this year. The motion passed on vote.

Item 19. Restrictions on Pets 1027 P. The playground and picnic areas should be free of pets. The leash law must be followed and not running loose. There has been a suggestion to creating a dog park. The dogs are allowed on the beach road and the beach. Dan Rawlinson volunteered to Chair a committee for a dog park. Sharon moved to accept 1027P. Steve did not want people in jeopardy on the beach road or be accosted by dog walking on the beach road. Jim Couey asked that the policy be tabled. Jim Couey was concerned about restriction on residents and now on their pets. Dogs need to be leashed by law. There needs to be a sign with the leash law. Steve asked that the community let Jodie know their preference and a committee review. Terry said the law exists and signs are not needed. The issue was tabled. Sharon said she would like Dan Rawlinson to lead a Committee for a dog park. Dan will let Jodie know who is on his committee.

Item 20. Reservations for Picnic Pavilion Policy and form 1029 SP & F. Five of the pavilions can be reserved. The form can be filled out by residents. Sharon moved to accept the policy and form 1029 SP and F. Jim Couey seconded the motion. Discussion: There will be a sign on the pavilion. Jodie asked how this would be enforced. The sign should keep others from taking the pavilion. There is no renting of pavilions. Steve said there was a suggestion to make an ADA pavilion near the ADA parking at the beach but modification for access need to be made. The motion passed on vote.

Item 21. Banner sales contract 1017A. There have been tardy submittals or submittals that needed redone. He said that he has done work with a client of a salesman who got the commission. The contract addresses these concerns. Submittals are due on the 15<sup>th</sup> of the month. Steve moved to pass 1017A. Jim Couey seconded the motion. Discussion: Steve hopes to eliminate late submittals and the extra work and expenses that it causes. It was noted the Banner made money this year. The motion was voted on and passed unanimously.

Item 22. Announcements from Clubs and Organizations. None.

Belle Baxter gave an 'Atta Boy' to the maintenance men who serve the district. She stated that after a storm surge she saw boards floating in the marina so she put them on high ground and in less than twelve hours all of the boards were replaced. She wants the Board to relay her thanks to the men for taking such good care of us.

Mark Berthonal (Bayshore Gardens Pkwy) is a boat slip leaser that now is told to pay nonresident rates, yet he pays the district taxes. He stated that tenants don't care for property like an owner. He feels it is an injustice to charge non-resident rates to an owner. He said the Trustees have the ability to grant resident rates to owner/nonresident and asked them to reconsider reducing rates to resident rates. A precedent had been set with resident rates. Sharon said that if a nonresident rate is reduced then all nonresident rates will be reduced.

Sue Coolidge asked about a diving board. A diving board needs 11+' deep water. The pool is not deep enough at 10'5". She said that when the district gets the boat titles for the delinquent boats that we could give them away in the Banner and remove the boats themselves. She was concerned that kids would play on the proposed deck railing and it would be dangerous. Don Gassie asked that we find out what the League of Cities (our insurance) would accept.

Tung Nguyen (Bay Dr.) stated he lives in a house across the street from his rental. The rental is in the district but his domicile is not. He stated that the homeowner has more skin in the game than a tenant. He asked the Board to make exception to rates and the use the district facilities for nonresident/property owners like a resident. He would appreciate feedback. Sharon said there are only two classifications, resident and nonresident. Jim Couey stated the board is doing the best they can and are passing on the state's rules and regulations for the district. He said that the Board will look into things that may be changed. Suzanna thanked him for attending and stated that the Board is trying to follow the Charter rules and enabling act. She said we are still learning and we found out how much we were not following the Charter and enabling act. There was a lot to change and Sharon has created Policies to follow the rules. There is still some that can be left to interpretation. Steve said we were not following the law before but now want to follow the law. Jim Frost thanked the board for letting him on the Board. Jim Frost thanked him for coming and said it was a good point to look at. He wanted to look into the number of nonresident owners.

Suzanna passed out a written conversation with our attorney. She wants it to be on file for public record. Suzanna also passed out her resignation from the Board effective immediately.

Jim Couey moved to adjourn. Steve Watkins seconded the motion. We adjourned at 9:12 PM.