

## ***BAYSHORE GARDENS BOARD OF TRUSTEES MEETING MINUTES APRIL 16, 2019***

Items 1 through 3. Roll Call, Call to Order, Pledge to the Flag. A roll call was taken. Trustees in attendance were Belle Baxter, Jim Frost, Barbara Susdorf, Steve Watkins, Sharon Denson, Dan Rawlinson, Terry Zimmerly, and Jim Couey. A quorum was established. Sharon Denson called the meeting to order at 7:04 PM and a pledge to the flag was performed. Also in attendance were Jodie Lawman, Manager; Gwen Norris, scribe; Allan Riga, Barbara Greenberg, Suzanna Young, Dan Gassie, Sandy McCarthy, Charlie McCarthy, and Tricia Kenny, and Fergus Kenny.

Item 4. Approval of the Minutes of Town Hall March 20, 2019, BOT Meeting March 19, 2019, Work Session April 3, 2019. Steve Watkins moved to approve the Minutes from the March 20<sup>th</sup> Town Hall Meeting. Jim Frost seconded the motion. Discussion, additions or corrections: none. The motion was voted on and passed with no one opposing.

Steve Watkins moved to accept the Minutes from the March 19<sup>th</sup> BOT Meeting. Barbara Susdorf seconded the motion. Discussion, additions or corrections: none. The motion was voted on and passed with no one opposing.

Steve Watkins moved to accept the Minutes from the April Work Session April 3, 2019. Barbara Susdorf seconded the motion. Discussion, additions or corrections: none. The motion was voted on and passed with no one opposing.

Item 5. Treasurer Report. Terry said that we have been working on the budget and will be working on the Capital Outlay part tonight. Terry said the question is what big projects we want to work on next year. She said some of the projects that were in the Capital Outlay for this year will not get done and some of their funds will be placed in Reserves. Sharon said that some of the projects not done can be placed in Reserve for the designated projects and some in next year's Capital Outlay. Sharon said that later Jim Frost will advise on what will need to go to next year. Sharon said we 'threw things out there' for the Capital Outlay projects but tonight we need to formalize it for the Budget. Steve Watkins asked if the listed 'lighting for the park' was for the basketball court. Sharon said lighting for the basketball court could be added for a Capital Outlay project.

### Item 6. Trustee Committee Reports.

Recreation Committee. Belle Baxter said they are forging ahead with plans for the picnic (June 29<sup>th</sup>, the Saturday before 4<sup>th</sup> of July). She said Sharon volunteered to man the kitchen for hot dogs, pizza, chips, etc.

Belle said we have a Swim Team (Bayshore Dolphins Swim Team) and we have 17 children signed up for the Swim Team which is almost triple what we had last year. She said sent an article for the Banner summarizing what the Recreation Committee has done and a calendar of the Swim Team Meets. She explained the District is sponsoring the resident Swim Team members with goggles, swim suits and cap. She encouraged the residents to come Saturday mornings and cheer the Team on. She said that it is good that Jeannette has volunteered to be the coach and has taken a lot of extra classes to make sure we have the best Team we can.

Belle said that the Survey has some interesting requests. She said they are still coming in.

She said we had scheduled a 'Paint Night' May 2<sup>nd</sup>, but unfortunately, due to lack of response, it is postponed until we can figure out how to better 'market' the event.

She said she is working on an 'agreement' to be used for bringing in outside instructors with guidelines for the use of the room and how the instructors will behave and be paid. Belle said as far as the Jazzercise Class issue, they are still working on it.

House and Grounds Committee. Jim Frost said we are coming along with our plan and the 'building to pylon pinning' (under the Hall) is almost complete (completing this Friday or next). He reported that the gutter at the breezeway entrance is installed, the Hall's toilet problems are fixed, the ADA chair lift for the pool is installed, and the large leak at the pool is repaired. Jim Frost said he is waiting on ADA ramp railing bids and has some high quotes. He said getting quotes from local firms is difficult as they don't want to do ADA type work. He said we are reaching out as far as Tampa and Orlando now. Jim reported the rest of the projects are finished. Jim said the boat ramp work is making great headway this week and suspect they are ahead of schedule. He said we are waiting for the engineer's plans to come back for the marina work. Jim said the marina project comes first and then the Hall work. He said they will go through the small maintenance items of work in the marina.

Jim Couey asked if the ADA railing will be slatted. Jim Frost said the original quotes for the ramp railing work were for welded 3-rail railing at \$9,500 and \$12,500. He said he contacted the County about the quotes, who agreed that they were high, so he is seeking other bids. Jim said the county said regular fence material (with vertical slats like the marina fencing) could be used as long as it complies with certain things.

Allan Riga asked how many surveys were received by the recreation Committee. Belle said she has about 25-30. Jodie said they are coming in daily and there are more in the office.

Banner Committee. Steve said that there have been no complaints on the Banner delivery and it was on time. He asked for volunteers to help deliver the Banner (see him after the meeting) as he has been delivering it alone. He said the kids are wrapping the Banner but volunteers are welcome.

Personnel and Salaries Committee. Dan Rawlinson had no report at this time.

Marina Committee. Terry said Jim Frost has given the report on the Boat Ramp work.

Jim Couey stated that he will be away starting April 19<sup>th</sup> for two weeks.

Belle said she will be gone a week in May, from May 19<sup>th</sup> to May 23<sup>rd</sup>.

Item 7. District Manager Response to Trustees. Sharon said Jodie submitted her report this afternoon and pretty much they are things that will not be taken up in this meeting as most of it needs to go to 'Committee'. She said there is not anything that is urgent tonight other than the Dockmaster. Sharon said the Dockmaster, Robert Hindle, was approved at the December BOT Meeting (for coordination and inspecting of the Boat Ramp construction) for \$35/hour with an estimated total of \$3,500. She said Robert is keeping a log book for his time and will submit an invoice for payment. She said he will be paid as an employee. She said she had suggested he talk with Natalie Thursday on how to report his hours.

Jodie stated that she believes her report is relevant (for this Meeting) and for certain things (policies) in the past the Board needs to be addressed, not the Committee. She said the policy is in reference to a Board action and she feels she has the right to address the Board. Sharon said that it may become possible, but not tonight. Jodie said it was unfair to not being able to speak. Sharon asked that Jodie submit the issues for the Agenda and there was nothing on the report that they would vote on tonight. Steve said that this has been brought up before. Sharon said she wants to take it up and deal with. Jodie



said she spends 90% of her day with customer service and she would love to submit it seven days in advance but it is not always feasible.

Belle asked about 'pool events for children' that requested sponsorship in the report. Jodie said after discussions with the Lifeguards, since there was no concession, they propose one or two Saturdays a month a pool party day for the youth. She said the sponsors can supply treats (Ice Cream Day, Pizza Day, Snow Cone Day, etc.) for a children's party at the pool. Jodie said Dan from Crime Watch has volunteered to sponsor one Saturday and she would like to know if other clubs or organizations would. Sharon said that Belle, Recreation Committee, can handle this as it is a recreation project. Belle said they will help the Lifeguards and work with them as we need to do more for the children of the district. Jodie explained that the sponsorship is for the refreshments at the event, like popcorn, or ice cream, or pizza, etc. and could include a DJ. Jodie said an event could include noodle races. She thinks that will draw the kids to the pool for the Saturday event. Sharon said it should be run through the Recreation Committee. She asked Belle to get the contact information from Jodie. Sharon said she thinks it is a great idea.

Jodie reported we have hired four Lifeguards and one Pool Attendant, who is pursuing his 'Lifeguarding'. Sharon noted that we don't have enough Lifeguards to keep the pool open the number of hours we need to keep it open. Jodie said that they full hours last week with minimal turnout between noon and 3:00 pm and now the pool is closed from noon to 3:00 pm. She said that the Lifeguards are policing the lap swim hours (8:00 to noon) per the policy. Sharon said we don't need Lifeguards for the lap and exercise organized swimmers. Sharon said that they will go through the policy (Swimming Pool Policy Residents 1010P) later.

## **OLD BUSINESS**

Item 8. Motion to approve paying for lifeguard training for our employees currently employed as Pool Attendants at \$180.00 each and a maximum of \$1,800. Sharon reported that the Lifeguard Certification classes are offered for \$180 at GT Bray. She asked that we authorize Jodie to guarantee hired Pool Attendants paid training for up to ten Pool Attendants for up to \$1,800. She said the money would come from the 'Wages' (Category). She continued that the Policy now states that we can use one Pool Attendant and one Lifeguard (in lieu of two Lifeguards) and she hoped this will get us more Pool Attendants. Steve moved to allow up to \$1,800 to be used for up to ten Pool Attendants to be trained at GT Bray for Lifeguard Certifications. Sharon said that Jodie would decide who will get the training and schedule it. Terry Zimmerly seconded the motion. Discussion: none. The vote on the motion passed with no one opposing. Sharon told Jodie that, from this day forward, this can be offered to the people and asked Jodie write the information up for the Banner in hopes of more people applying.

Item 9. Motion to approve an additional \$137.43 for a pool screen. Sharon stated since the motion passed to purchase the screen for \$500, the price went up. She said we need \$137.43 to purchase the materials. Sharon moved to add \$137.43 to the pool screen purchase. Dan Rawlinson seconded the motion. Discussion: Sharon said we need it to stop debris from getting in the pool. The motion was voted on and passed with no one opposing. Steve noted that the debris he saw in the pool were from the Banyan tree, not the cedars that are just outside the screen/fence.

Item 9A. Swimming Pool Policy 1010P clarifications. Sharon stated that the Pool Policy is the same as last year and we did not have Lifeguards in the morning between 8:00 am and noon. She said that they had Lifeguards in the afternoon until school was in session and then we lost our Lifeguards. Jodie said the Policy has changed since last season. Sharon said the policy was changed when we added the Pool Attendant in lieu of having the second Lifeguard. She supplied a written clarification to the Policy's



'intent' to the Trustees regarding the Lifeguard and Pool Attendant needs, answering some questions Jodie had. She read 'At least one Lifeguard and one Attendant are needed when the pool is open to the public'. She said the question was about the word 'public' and shouldn't it read 'resident'. Sharon said per the license permit in the office we are a 'public pool'. Jodie said the Statutes states 'use by residents'. Sharon said it was in the Charter and our 'residents' are our 'public' and the Board has the right to designate who can use the pool and the Board has designated the residents and their guests. Sharon continued to read 'lifeguards shall be on duty when pool is open to the public'. She said in the morning the pool is closed between 8:00 am and noon for the lap swimmers and exercisers and Lifeguards are not required. She said we would like to have supervision there, (but don't have the staff) and the Board determined that was not as big a liability as having children in the pool with no supervision. She read 'The pool is closed to the public from 8:00 until noon, except for the lap swimmers and exercise until such time as we have Lifeguards and Pool Attendants to keep the pool open to the public in the early morning hours.' She said again, the 'public' means the 'residents of Bayshore Gardens'. She continued 'The Board has authorized lap swimmers and exercise to use the pool in the morning without Lifeguards and Pool Attendants on duty.' She said what has happened is the lap swimmers and exercise were supposed to form a Club, nothing fancy, but they need to have their letter in the office with a Club name and contact information. She asked Jodie to get with the swimmers and get that organized. She said they can give a list of Club members or they can give cards to their members. She said Jodie just needs to know who is in the Club.

Jodie said she based the use of the Lifeguards on the fact there was no documentation filed in the office for a club. Sharon said that when they received the job they should have been asked, as an administrative duty. Jodie said the Board should have made it clear last year that the lap swimmers should be a Club or Organization and she was trying to follow the Policy verbatim as it read. She asked that the policies be written clearly so there is no misinterpretation. Sharon said the attorney has approved the policy and it will stand up in court. She said if we have to change the Policy we will do it, but we will have to go forward. She said that from 9:00 until close we want Lifeguards, or at least a Lifeguard and a Pool Attendant, and we want the pool open as many hours as we can keep it open. Jodie agreed and said she is trying to interpret these policies as they are written and be in accord with what the Board wants. Jodie said there was no indication that she was to form an organization or a club with lap swimmers. Sharon said no one is asking her to form it. Sharon said that they started the Policy in the middle of the year and they did not do some things we should have done, either. She continued that we are trying to get caught up and the pool just opened (for the season). Sharon said that if she mentions it to Sherman (lap swimmer) it would be a 'done deal'. Jodie asked if a group of adults form a Club of Organization, would they have exclusive use the pool. Sharon said 'no', it does not say that anywhere in the Policy, but if there is a problem we may have to schedule the Clubs or Organizations' time.

Belle said that last year there was a need for Lifeguard or two because of the slide and diving board. Sharon said that was not the only reason for the two (Lifeguards and/or Pool Attendants). Sharon said we have an insurance policy and we are responsible for the safety of the pool. Belle said she has tried to find the reason for the requirement. Sharon said if we have a death or injury, we have \$100,000 injury insurance only. Belle asked if we need to address the insurance and not restrict the pool. Sharon asked how much insurance do we want to carry and why wouldn't we want a Lifeguard on duty. Jodie said the \$100,000 was a limitation when we had the slide and diving board. She said Andy Hanson (representing Florida League of Cities - Insurance) said he would discuss this when he comes for a meeting. Sharon said the Board is still responsible and asked if they want to open the pool without supervision. Belle stated we are open in the morning. Sharon said we are not open to the public in the morning, just clubs



and organizations, and they, as a Board, determine when it is open to the public. Belle stated she voted for it but now is seeing that maybe she was wrong. Sharon stated that the Board determined that it was not in the best interest of the District. She stated that on the news she heard that the biggest death of children from 1 to 4 is swimming pool drowning and this was not just private pools. Jim Couey said that when you get a fob (for the gate) you have to sign that the Recreation Center does not assume liability. Dan said the slide and diving board were 'risks', but now removed, that required supervision. Sharon said we will not change the Policy tonight and if we are going to change the (Lifeguard requirements) we will have to do a lot of soul searching. Barbara Susdorf said we have had Lifeguards for swimmers for years. Sharon said that the State defines our pool as a 'Water Attraction Park' not a 'Swimming Pool' and we were required to have supervision at that slide and since there was no slide platform, the supervision would have to be at the top of the slide and at the bottom, in the water. She said the Board had determined that instead of two supervisors on the slide we would have Lifeguards out there to take care of everyone. Terry asked if the pool could be open from 8:00 am to 3:00 pm while school is not in session without a Lifeguard and have a Lifeguard just from 3:00 until 6:00. Sharon said we can but that there had been complaints of unsupervised little children when it was open with lap swimmers and without a Lifeguard. She said as a government we cannot restrict the use by age restrictions. She said the attorneys told us that we can designate 'activity'. Terry said the family should leave if they don't supervise their children. Sharon said she did not know how to write that policy or who would enforce it. Sharon said a Lifeguard has the authority. Sharon said the State said that there is no other municipality without a Lifeguard. Sharon said we are responsible for the safety and with a Lifeguard on duty we have a lot more protection because he is trained. She said since we took the slide out, a Lifeguard is not required because the slide mandated two supervisors. She said the insurance will not cover us if we do not follow the Policy. Steve said that the Board was going to check into our insurance, as suggested by the late John Lamb. Sharon said she has discussed with Jodie about having a Work Session with Andy Hanson concerning the insurance after we get through the Budget.

Sharon said Jodie has said (per the Lifeguard) that it was 'illegal' for a Pool Attendant to sit in the Lifeguard chair/stand. Sharon asked Jodie to get the source of the legal opinion from the Lifeguard before going to the attorney and that the Pool Attendant also needs an elevated area to watch the pool. Dan said the Red Cross states that only a Lifeguard can use the stand. Sharon said the intent is that the Pool Attendant blow their whistle to alert the Lifeguard (maybe on break) if there is a problem. Sharon said the Pool attendant can get others out of the pool but cannot attend to a distressed swimmer. Dan said Pool Attendants needs CPR and First Aid certifications to assist the Lifeguard. Sharon said the Lifeguard on duty is in charge and can direct the Pool Attendant and if we need a second chair we can do it. Steve noted that the Banner shows that a Pool Attendant will be paid more with more certifications. Jim Couey asked if a Lifeguard can train a Pool Attendant for certifications - no. Sharon said if we want to change the policy we can take it back to Committee, notice the meeting, and listen to the people so everybody can come, but for right now we have a Policy. Sharon read 'The first priority for daily public pool hours is from noon until close of the pool' (half hour before sunset). She said a 'public pool' is open to the 'public' safely as many hours as possible. She continued 'The intent of the Board of Trustees for Bayshore Gardens is to have the Public Pool open to the public (public being residents), safely, as many hours a possible with the staff we have. At least one lifeguard and one pool attendant on duty at all times the pool is open to the Public.' She said if we don't have two and the Lifeguard has to go do 'something' and something happened, we might better do it (have two people). She said they recommend one Lifeguard for every 25 people. Sharon read 'Currently the Pool is closed to the Public from 8:00 until noon until such time as we have enough staff for the pool to be open to the public with a



lifeguard and a pool attendant on duty from 8:00 AM until close. Until the adequate staff is in place, the pool is closed to the public between 8:00 AM and noon.' She said lap swimmers and exercisers as a Club can swim from 8:00 am until noon. She continued reading 'To employ lifeguards and pool attendants that are available to cover the noon until 3:00 pm time slot during the months the pool is open.' She said last year we ran out (of Lifeguard) when school started we still had people coming and we had no lifeguard because they all went back to school or college. Sharon read 'The lap swimmers and exercise groups may use the pool during those morning hours when a pool attendant or lifeguard is not on duty'. 'If the clubs have not filed their club/organization information, that is an administrative duty and the fob should not have been issued if the clubs have not submitted their required forms.' Sharon told Jodie if she needs some help with that she would be glad to come in to make calls or whatever she needs.

Sharon said she has a copy of our Pool Permit and read 'State of Florida, Department of Health, County Health Department. Public will remain in place. Inspection Report. Type: Public Pool, Bayshore Gardens Recreation Center. She said a 'private pool' is for a single family, hotel, motel, condo association that has 32 units or less and we are not exempt to being a 'public pool'.

Don Gassie said witnessed a pickup/trailer parked at our beach with a small boat/electric motor which they took into the water and went fishing. He had noted that there was no policy on this issue.

Tricia Kenny stated that she has owned for about five years and moved here recently. She said they chose Bayshore as young retired people because of the amenities. She said now she feels the pool hours from last year to this year have changed depending on what day it was. She said the Board should check the insurance and make sure we are insured. She said she does not know what good the waiver is that they sign and there is no reason, as adult homeowners, they should not be able to use the pool whenever they want. She said children should be accompanied with an adult. She commented that if the Meeting could be a little less abrupt and less condescending, they would get a better response from people who want to be involved. She said she considered joining the Board since they moved here, but the drama she saw in the office or on Nextdoor is ridiculous. She continued what Sharon may not know is probably because of the need for a social media presence. She said there is an 'unofficial Bayshore Gardens website'. She said she adores the Bayshore Banner but see people pick up their Banner from their driveway and put it into recycling. She said the new website is fabulous and has been watching it develop. She said the young adults don't go the websites, they want to see the Twitter feed or on a Facebook page. She said if they want young people involved they need a social media presence. She said they may see an opportunity to volunteer but if people don't know, they cannot help. Tracie said she wants input on the pool and if we need more insurance – get more insurance. Sharon and Tracie discussed the types of activities the lap and exercise clubs could be involve in. Sharon agreed that we need to look at our insurance policy. She said most of the time no one comes to the meetings and the Board is struggling trying to do something, then there comes everybody. Tracie said no one knows about the meetings because the Banner is archaic and print newspapers are going away. She said she loves to read paper but younger people want to use their phone. Sharon said the attorney's advised the Trustees that being on social media in their official capacity is not a good idea. Tracie said that they might need a new attorney. Jim Couey and Sharon thanked Tracie for her input. Steve informed the guests that they are allowed three minutes to talk.

Item 10. Motion to approve Capital Outlay projects for 19/20 Budget. Sharon said she believes the Board needs vote on the Capital Outlay projects for next year and the rest can be done in Committee. She said the residents can vote on the rest of it.



Terry had distributed a worksheet to the Trustees and stated that projects in Capital Outlay this year that we don't think will be accomplished this year, will go into Reserves for next year. Gwen asked that the projects be listed so they would be evident (in the minutes). Terry said the things moved were the \$8,000 for the 'sheds' (porta potty sheds); and the 'Fishing Pier' for \$21,000 which probably would not be done by October. Sharon said that those projects can move forward in next year's Capital Outlay and don't need to go to Reserves. She said if it is something we think we will do next year, it would be better to move it forward to next year's Capital Outlay instead of Reserves. Terry continued that she moved the 'add heat to air conditioners' (\$10,000), the 'screen room', and the 'recreation hall' work. Terry said the Reserves moving forward has \$1,487,695.24. She said that it includes all the Capital Outlay and Reserves that we don't think we are going to use (this year). Terry mentioned a mysterious 'Miscellaneous item' that Sharon said it is going to be changed. She said that we will use everything allocated for the boat ramp work and estimated \$374,661.20 for the engineer, the ramp work and Robert's hours.

Terry said the accountant said we should save one half years' worth of Operating Expenses and she asked if it should be Capital Outlay. Sharon said the 'half year' is already there (Operating Budget) and if it was in Capital Outlay they can do a Resolution to move it out. Terry said she took everything out of Capital Outlay. She said they have \$250,000 in savings. Sharon said we can't do that as the Statute says we have to designate it to a use. She said if we find we don't have the income in the marina as we thought we can always keep the money in Capital Outlay and move it to another area. She said they are finding what it takes to operate the district (Operating Budget) and then our Capital Outlay. She said that money that we have for the (marina) work next time will be in Reserves, until we have enough money saved up until has it done again. Sharon said the \$250,000 has to be designated to something and we have not put in an increase on it either, which will be the same as this year. There was discussion on some of the numbers on the distributed proposed Capital Outlay list.

Dan asked about the pickle ball court (\$43,000). Sharon said it was an estimate and some money is in Reserves and that we can vote on it when we have enough funds. Sharon said we currently have \$1,865,188 plus \$95,000, the difference we should have between all of the Capital Outlay forward plus the income that we would have from this and next year and our assessment and hall income. She said we will have everything needed plus, if we collect everything we think we will. She said we can decide on the projects we want to do then we can assign the money to it. Sharon said the people will vote on the expenditures.

Sharon listed some of the other projects we wanted to do which include the electric gate (to the beach \$11,000), splash pool (\$100,000), the breezeway gate (\$15,000), signage (\$10,000), and the screen room (raised to \$50,000 by Jim Frost for the improvements/doubling the size). Sharon said then screen room may take a Referendum. Terry said she was interested in doing the floor coating separately for about \$10,000 with no Referendum. Sharon said it would still need a Referendum. Barbara said we have not decided if we are going to double it or not. Sharon said if you are repairing something and keeping it the same (no Referendum), but if you are doubling it, you are building a new building and that is a Capital Improvement which is a 'new building'.

Steve said he is interested in lighting at the Basketball court. Jim Frost estimated that two 15' poles with solar lights would be more than \$15,000. Barbara said it should be saved to Reserves.



Jim Frost said he is interested in lighting at the pool area for night swimming at about \$10,000 with 15' poles, engineering, electrical and permitting. Terry asked him to not go over \$25,000. Sharon asked if there was anything else to add.

Barbara asked if landscaping is separate. Sharon said yes, a lot of it could be in Maintenance (category).

Jim Frost said we need to add the Pool Bathrooms upgrade to ADA. Sharon said remodeling the existing bathrooms can be done easily and major work would require a Referendum. Jim Frost said it would be \$30,000 - \$40,000 for engineering, plans, permit and it is not cheap. Sharon said there were some recommendations from Jack Humberg's (ADA consultant) Report that might help. She said it might be a good Reserve account, too, since it is not something that we will be able to get to in the near future. Jim said that it needs addressed sooner than later.

Sharon stated we are using \$250,000 to allocate for projects we want done. She said we will allocate money for the projects we want done first and the rest can go into Reserves. Terry said the projects need ranked by Trustees from one to ten for priority. Sharon said we don't need to rank them because we pretty much know what we can do and what will be left for later.

Barbara Greenberg stated she has a letter to the Trustees with signatures from about 50 residents younger than 55 complaining about actions the Board took on 2/19/19, purchasing pickle ball equipment for \$500, disbanding the Small Boat Area and replacing it with a dog park, and spending \$10,000 for a picnic, all prior to seeing what the residents want. She continued that this is bad planning, bad business and a bad use of resident tax dollars. She said that in the minutes of the February 19<sup>th</sup> BOT Meeting Chairman Denson said they have \$10,000 to use on the picnic. She mentioned the Labor Day Picnic with 80 plus participants. She said it appears that Ms. Denson has no trouble spending other people's money. She stated that in a public meeting about a year ago it was suggested to Ms. Denson that before spending any money they should first take an inventory of what residents use and participate in at Bayshore and condition of the property and draw up a one year, three or five year, and seven or ten year plan for the district. She continued that that she understands the basketball court would be converted to use as a pickle ball court and without consultation all the equipment was purchased. She stated the Small Boat Area was decided to be converted to a dog park without deciding who will pick up the poop, if the smell will affect the picnic area, and who will check if the dogs are up on their shots and licenses, etc. At this time Allan was asked if he wanted to yield his three minutes to Barbara and he did. Barbara Greenberg continued that the signers are not over the age of 55 and are not interested in playing pickle ball, and use the basketball court on a regular basis. She said the court is in extremely bad shape and wide cracks are in the asphalt everywhere which have been reported to the Trustees with no actions to fix it, nor plans to repair it. She said district staff reported three injuries while using the basketball court as failure to maintaining the asphalt. She continued that they demand the district return all of the pickle ball equipment, restore the court, making it a full size court with a good finish, repair or replace the backboards, replace the nets, light the courts, and allow use to 10:30 pm instead of wasting their money on a one day event. She asked that the Small Boat Area not be turned into a dog park. She said thus far there are signatures of 49 in this community. Sharon asked that the letter be given to Jodie. Dan asked if any of the people want to be on the Board. Allan said he knows a young man that may be interested but he is under 18. Allan bets he can find some young people that would be interested. He said he thinks it would not hurt to have the input from some younger people from community involved in the Board decisions. Sharon agreed. Steve said he had spoken with some people when they were interviewing and none of them live in Bayshore. Sharon said she wanted to correct a few things. Sharon said they had designated \$10,000 for the Recreation Committee for the



year (not just the picnic). Sharon said the Small Boat Area was a nuisance to the office with unpaid invoices and unclaimed kayaks, etc. She said no decision was made on what to do with the fenced area. Allan asked consideration of loaning the unclaimed kayaks to residents. Jodie said that there are now two boats unclaimed and for the minimal fee charged, it was a lot of time expended to collect the fees. Sharon said she asked Robert will find a new location for the racks, which are good racks, where users can secure their boats and there would not be a charge (or contract).

Barbara Susdorf said the Board said they were going to talk to our lawyer and insurance before pursuing a dog park.

Jim Frost agreed that the Basketball court should be on the Capital Outlay projects and the old shuffleboard court needs to be evaluated at the same time. He said both are at their maximum asphalt life expectancy and they need to be addressed. Sharon said she would like to see what it would cost us to bring in dirt for the Small Boat Area and surface that for basketball since the fence is tall enough. She thinks it will be cheaper than tearing out the old court and redoing it. Steve said it should be on the Agenda for the next Committee Meeting, however the next Committee meeting is a Budget Meeting. Sharon said it is can be put on (a Committee Meeting Agenda).

Gwen stated that she understands that the marina work and dredging is in this year's budget and that is why we are not talking about it. Sharon confirmed this. Terry said it is all in Reserves and she thinks we have enough to do them. Gwen asked if there has been any reason to increase the assessments for next year. Sharon and Terry said 'no'. Jim Frost said 'not at this time'.

Dan asked if Allan and Barbara has sent their Survey in. Allan said Barbara can address the Survey because it has a problem and is not usable.

Steve said the basketball court and shuffleboard court can be worked on. Jim said the cost would be \$40,000 to \$50,000 and he may be light (low) on it (the estimate). Terry said that that would be a Referendum.

Belle said she would like to address some information on the pickle ball court. She said they purchased a pickle ball set for \$75 made available for users to see if there is an interest and whether a court should be built. She said there has been no decision to build a court. She said the set was bought because a number of people had asked for it. She said the Recreation Committee Meeting is open for residents and she was sorry that Barbara Greenberg was misinformed. She continued that the \$10,000 is not just for the 4<sup>th</sup> of July Picnic, it is to create activities to help the residents enjoy the amenities (throughout the year). She said that the Board was elected by the district and they are trying to do as best to spend their money, and her money, to make sure you all enjoy living here. She said they are stumbling. She said that the Board really wants them and their neighbors and friends, residents and guests to enjoy the amenities

Barbara said it is easy say 'can you do this', but she feels that the Board is being attacked claiming that they are doing things wrong and half of the information is not correct. She said that new people coming here tonight think 'I don't want to be on that Board because look how they are, it's miserable'. She said that the reason the Trustees are here is because they want to make it better place.

Tricia Kenny noted that there were few responses to the Survey sent out and said that the district needs to use social media to reach out to the residents. Belle said the Recreation Committee has a Facebook page. Steve stated that Gwen takes exceptional notes of the Meetings and not all of the verbiage is put in the Banner because it would be impossible and bullet points only are in it. He said the Minutes can be



Minutes can be requested at the office. Sharon said pretty soon it will be available on the website (after each acceptance). Stacie suggested they be put things on social media. Jim Frost agrees. He said another Board member could take that mission on. Sharon said the attorney's guidelines will be requested.

Suzanna Young said many residents that she met over the years when knocking on doors and taking surveys don't have computers, or use them. She said the Banner is a terrific source of information of the district. She said her main point is it may behoove the Committee Chairmen to put an article in the Banner on discussions that are coming in a meeting. She said that when she does attend a Committee Meeting, she misses the other ones because they are at the same time. She said the attorney has said that Board Members need to know what the other Board members are doing. Jim Couey said he understood that Trustees cannot talk with other Trustees on issues that may come up in a meeting. Sharon said if the Meetings are properly noticed and the Agendas are posted properly, discussion is allowed (in the public forum).

Item 11. Revision of Marina contract as requested by Jodie. Item was skipped.

Item 12. Amendment to Bylaws recommended by our Attorney. Sharon distributed the email from our attorney with a suggested amendment to the Bylaws stating that we will vote on the change at our next BOT Meeting. She asked everyone to read the email and be ready. She said it needs to be in the Banner and website and voted on at the next BOT Meeting. She said if there are no questions on this we can go on to our prospective Trustees. Jodie stated that she finds tonight's meeting very unfair, as the Manager. She said it was bias that she did not have the opportunity to discuss her concerns yet the Board proceeded to discuss a policy and she has been denied the right to speak on something that directly affects her. Sharon said the Board will address everything she has written. Jodie asked why she is constantly denied at the Board Meetings. Sharon repeated that she needs the information eight days prior to the meeting so the Trustees all have time to read and are ready to vote. Jodie said that it is not a policy that the (Manager's) notes have to be eight days ahead and she is on the Agenda (as Managers Response). Jodie said that she is not asking for action, she is asking for a discussion. Sharon said she needs the information earlier as she and some other Trustees don't like to be blindsided at a Meeting. Jodie asked permission to ask the other Board Members their opinion. Sharon said no, it is a Board Meeting. Jodie said she would like it noted in the minutes that the Chairman is being biased. Sharon said it can be in the Minutes. She said she wished the other Board members would exercise their roles and responsibilities as they all have a fiduciary duty to run this district and nobody is stepping up to the plate. Sharon said we have a process in place to handle it and that the issues Jodie has needs to start with a Committee, then Work Shop, then Board Meeting and every meeting and agenda is noticed, everything addressed. Jodie said she is on the Agenda and when it is time for her to voice her opinion she is always denied by this Board. Sharon said that this is not a debate for the public.

Dan said our Manager should be able to talk with us at this meeting. He said about the policy, Jodie has had voiced this issue (before) and we didn't take it up. Sharon said they will take them up. She said that one of the concerns is about the concession stand that we don't have right now, but we could have it in six months. She said the policies don't have to be taken out just because we don't have them at this minute. Jodie said that when this Board denies her right to perform her job to the fullest extent of her abilities by taking away her right to contact legal counsel, she finds it extremely relevant. Sharon said that 'it' will be taken out at the Committee Meeting. Jodie said it was drafted on the Committee level however it was proposed to the Board and this Board passed it so therefore she should have the right to address the Board. Sharon told Jodie to go ahead and address 'it'. Steve asked for a Point of Order and



asked Jodie to please discuss it in three minutes. Jodie said that what she wanted to bring to the Board was Policy 1012 (Attorney Contact) that was passed on 5-15-18. She said the Board revoked the District Manager's right to contact the attorney. She read 'The District Manager may contact FASD for legal advice.' She said the FASD does not give legal advice as they are not specific to a district so she is flying blind when something comes up and she not allowed to contact a legal authority. Sharon said that it was in affect prior and was not changed with the current policy, as the previous policy, did not allow the manager to contact the attorney. She said she sent Jodie a copy of the attorney policy that was enforced (prior to this policy) and will resend the email. She said that they will address the issue. Jodie said Sharon did not relay that (information) to her before tonight. Jodie said there have been 95 Policies made in the last eleven months and asked if she should remember everything that transpired. Sharon said that the Board did not change the policy (from the old one). She said a lot of the (old) Policies were things that were found and not properly approved and now are formatted and numbered, approved, dated, and put in the book. Jodie asked to continue. She said that per the FASD she cannot adequately perform the duties of the District Manager without having the right to seek legal advice. She is requesting that the Board reconsider the Policy (1012P) so she may perform the duties of the job she was hired to do. Jim asked if it will be another month to get done. Sharon said that they would not redo a policy tonight as it will go to a Workshop, as everything does, and there's nothing going on that is that critical right this minute.

Jodie asked if all of the Policies have had legal review by our attorney. Sharon said anything that was a contractual agreement went to the attorney and were approved. Sharon said the attorney's responses are in the book. Steve asked for a Point of Order and suggested that the issue go to Committee first and that we proceed with the meeting.

## **NEW BUSINESS**

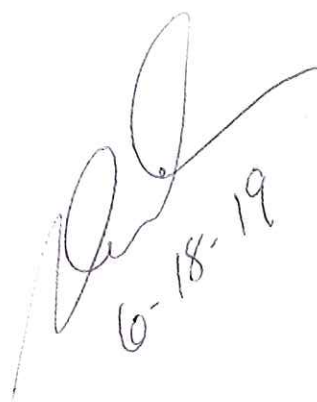
Item 13. Interview candidates for open Board of Trustee seat and appointment. Sharon said we have a resident letter of interest for being a member of the Board. She said we have two seats open. Fergus Kenny said he will pass on the opportunity to serve on the Board. Jim Couey said that the Board is not like this all the time. Fergus said that he has heard about it before and is going to 'pass'.

Sandy McCarthy introduced herself. She said she lives on 26th Street and sent in her letter of interest. She noticed things were going on in the district and wanted to be involved. She said she has experience on nonprofit boards and thinks she can make it work and help. Steve asked about other Boards she was on. Sandy said most of her experience was on Boards on Ohio: American Cancer Society Board, Trustee then VP on Bowling Green Chamber of Commerce (700-800 members). She said she is interested in doing what the majority of the residents want for the park. Sharon said that no matter what we do a majority of the people don't like it and how would she handle that. She said the best way is to get everything you can on the opinions of the residents. Sandy said had helped re-write the Land Use for Bowling Green when they were going to rewrite a portion of the master plan and they hired a polling company using many methods of polling people and held public meetings. Sharon asked how she would get people to volunteer when we can't get them when paying them to work. Sandy said she does not know. Sharon said that they don't know either. She said that she wants to do what the majority of the residents want to do. Sharon said that they (the Board) have a Survey out that is not getting a lot of responses. She said she would like to hire a college to do a survey but that would cost a lot of money. Jim Frost said a Special Work Shop could be held to show his 'Maser Plan' on the projects for the district. Barbara said that there are few people that attend our meetings and the majority of the people only get little pieces of what is going on. Jim said that is why we need a media website along with the Banner to



adequately pool all the information. Sandy said a company can be hired to do a 'company poll' of the residence but it is expensive and some people don't have a phone or answer them. Jim Frost said he could set up a time when he is 'live' on a social media site to answer questions. Sharon asked what job (Committee) that Sandy would want on the Board. Jim said she does not know the Committees. Steve asked if she had secretary skills as he would like to hand over his job of Secretary. He asked if she would serve on the Board as the Secretary if she knew what the job entailed. He said Gwen has been doing the Minutes for the Meetings (for him) and he has a lot on his plate. Sharon said that Steve is in charge of the Banner, the Secretary and the Second Vice Chair and he would like to get rid of one of them. Sharon asked if there were any more questions and said we normally get along much better. Barbara Susdorf apologized for today's meeting and the hostility with some people and stated that normally we work together well. Sharon said that they are required by law to have an Agenda out on the website seven days before a meeting and the object is for the Trustees have time to think about what they want to do and make a good judgement. She said that she is trying to maintain that structure. She continued that we are getting our Policies in place and a government has to function by policy, not emotion. She said they try to think of the big picture and do the best they can and are not always right. Don Gassie asked that a vote be taken. Steve made a motion to approve Sandy McCarthy for a position on the Board. Jim Couey seconded the motion. Discussion: none. The vote on the motion passed unanimously. Sharon asked Sandy to visit the office tomorrow so Jodie can swear her 'in' and have it notarized.

Sharon welcomed Sandy to the Board, and asked for a motion to adjourn. Barbara moved to adjourn. Jim Couey seconded the motion. We adjourned at 9:25 pm.

A handwritten signature in black ink, followed by the date "6-18-19". The signature is stylized and appears to be "Sandy McCarthy".