

# **Lely Country Club Property Owners Association, Inc.**

## **Board Meeting Minutes**

**September 18, 2024**

### **1. Call to Order & Establish Quorum:**

Mark Batchelor called the meeting to order at 6.04 p.m. at the Lely Presbyterian Church 110 St Andrews Blvd.

### **2. Proof of Notice:**

Due notice was given, and a quorum was met with the following attendees:

- Karen Poufcas
- Will Rudman
- Jason Donahue
- Greg Johnson
- Mark Batchelor
- Paul Labonte

Via Zoom

### **Also Present:**

- Philippe Gabart of Resort Management.
- Several unit owners.

### **Absent:**

- Jerry Golf

### **3. Approval of Previous Meeting Minutes June and August Meetings:**

**Greg Johnson moved to approve the June and August 2024 minutes as distributed. The motion was seconded by Paul Labonte and passed unanimously.**

### **4. President Report:**

Mark Batchelor, President, addressed the Board and homeowners by reading a letter aimed at clarifying misinformation regarding legal counsel and fiduciary responsibilities. During the discussion, Director(s) raised concerns about the president's communication with legal counsel. In response, the president emphasized the critical importance of adhering to Robert's Rules of Order and ensuring all meetings are conducted in accordance with state regulations. He also reaffirmed his intention to continue serving as president until February 2025 and stated that he would continue to rely on legal advice as necessary.

### **5. New Business:**

**a. Appointment of new board members:**

The conversation opened with the introduction of new Board members, followed by a discussion of their motivations for joining. Additionally, the need for greater female participation was highlighted, with a call for more women to step forward and volunteer for Board roles.

**i. Richard Saunders of 134 Palmetto Dunes:**

**Greg Johnson made a motion to appoint Richard Saunders as Director. The motion was seconded by Karen Poufcas and passed unanimously**

**ii. David Tate of 181 Muirfield:**

**Paul Labonte made a motion to appoint David Tate as Director. The motion was seconded by Greg Johnson and passed unanimously**

**iii. Victor Faszczuk of 180 Muirfield:**

**Karen Poufcas made a motion to appoint Victor Faszczuk as Director. The motion was seconded by Dave Tate and passed unanimously.**

**iv. Bart Anderson- 199 Muirfield:**

**Richard Saunders made a motion to appoint Bart Anderson as Director. The motion was seconded by Dave Tate and passed unanimously.**

**b. 2025 Budget discussion:**

Paul Laponte presented the draft budget for 2025, which outlines estimated costs for office expenses, legal fees, and landscape and irrigation contracts. The proposed budget allocates \$16,000 for legal fees and includes a \$25,000 increase in reserves. The Board engaged in a discussion regarding the necessity of finalizing the budget, with further deliberation to follow.

**c. Fining:**

The Board reviewed proposed fines for non-compliance issues, including dirty roofs, political signs, and short-term rentals. While fines were approved for specific properties, some members raised concerns about the potential for selective enforcement and the necessity of a formal Compliance Committee. In response, the Board agreed to establish the Compliance Committee and appointed Dave Tate as Chair to oversee these matters and ensure consistent enforcement.

**i. 236 Palmetto Dunes Circle - Dirty roof:**

The Board reviewed the ongoing case with the property owner, who participated via phone. The owner committed to cleaning the roof by the end of October.

**ii. 125 Palmetto Dunes - Political signs:**

- Review of current case with owner present in the audience. Discussion ensued.

**Dave Tate motioned to impose a fine of \$100.00 in this case. The motion was seconded by Karen Poufcas and was passed.**

**Jason Donahue and Greg Johnson voted No.**

**Motion was reopened as followed:**

**Dave Tate motioned to temporarily pause the fine for the political sign violation, provided the owners remove the signs promptly. The motion was seconded by Mark Batchelor and passed.**

**iii. 195 Palmetto Dunes - Political signs:**

- Review of current case.

**Dave Tate motioned to impose a fine of \$100.00 in this case. The motion was seconded by Karen Poufcas and was passed.**

**Jason Donahue abstains, and Greg Johnson voted No.**

**Motion was reopened as followed:**

**Dave Tate motioned to temporarily pause the fine for the political sign violation, provided the owners remove the signs promptly. The motion was seconded by Mark Batchelor and passed.**

**iv. 193 Muirfield Circle - Dirty roof:**

- Review of current case.

**Dave Tate motioned to impose a fine of \$500.00 in this case. The motion was seconded by Mark Batchelor and was passed.**

**Jason Donahue abstains, and Greg Johnson voted No.**

**v. 184 Muirfield - Dirty roof:**

- Review of current case.

**Dave Tate made a motion to impose a fine of \$500.00. The motion was seconded by Mark Batchelor and passed.**

**vi. 184 Muirfield – Landscaping large tree stump remains:**

- Review of current case.

**Dave Tate made a motion to impose a fine of \$500.00. The motion was seconded by Mark Batchelor and passed.**

**vii. 141 Muirfield - Dirty roof:**

- A violation letter has been sent regarding the current case. A final notice still needs to be issued and completed.

**viii. 508 St Andrews – Trash:**

- Review of current case.

**Dave Tate made a motion to impose a fine of \$100.00. The motion was seconded by Karen Poufcas and passed.**

**ix. 162 Palmetto Dunes- short term rental violation:**

The Board discussed the issue of short-term rentals at 162 Palmetto Dunes and the potential legal implications of imposing fines on the property owner. Wil Rudman expressed concerns about the financial impact of pursuing legal action and emphasized the need for a formal Compliance Committee. The Board agreed to establish the Compliance Committee to handle rental violations in a more structured and systematic manner.

**Mark Batchelor made a motion to form a Compliance Committee, with David Tate appointed as Chair. The motion was seconded by Karen Poufcas and passed.**

Wil Rudman provided a comprehensive overview of the 162 Palmetto Dunes case, covering all key aspects of the situation. During the subsequent discussion, Wil suggested that fines should be clearly defined for each category of violation, with specific amounts established and communicated to the members. He also stated his objections to the listings of the violations and expressed his opposition to the entire agenda items.

The owner of 162 Palmetto Dunes has been fined \$2,800.00. This fine was calculated based on 28 separate violations, each consisting of multiple days, at a rate of \$100 per violation. The owner will receive a 14-day notice informing them of their option to appear before the Association's Fining Committee on October 7, 2024, at 6:00 PM. The meeting will be held at Lely Presbyterian Church, 110 St. Andrews Blvd., Naples, FL 34104

**Dave Tate moved to impose a fine of \$2,800.00 for the property at 162 Palmetto Dunes. The motion was seconded by Greg Johnson and passed as follows:**

- |                   |     |
|-------------------|-----|
| • Karen Poufcas   | Yes |
| • Will Rudman     | No  |
| • Jason Donahue   | No  |
| • Greg Johnson    | Yes |
| • Mark Batchelor  | No  |
| • Paul Labonte    | Yes |
| • David Tate      | Yes |
| • Richard Sanders | Yes |
| • Bart Anderson   | Yes |
| • Victor Faszczuk | Yes |

**6. Comments.**

**7. Adjournment:**

**At the conclusion of the meeting, Jason Donahue made a motion to adjourn, which was seconded by Karen Poufcas. The motion passed with unanimous approval, and the meeting was officially adjourned at 8:05 p.m.**

Respectfully submitted.

Philippe Gabart, CAM